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The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

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CHAPTER 132 INTERNET USE POLICY

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CHAPTER 4
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

11—4.1(8A,22) Definitions. As used in this chapter:

“Confidential record” means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the department is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“Custodian” means the department, director, or another person lawfully delegated authority by the department to act for the department in implementing Iowa Code chapter 22.

“Department” means the department of administrative services.

“Open record” means a record other than a confidential record.

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

“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 possession of the department.

“Record system” means any group of records under the control of the department from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

11—4.2(8A,17A,22) Statement of policy, purpose and scope. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.3(8A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.4(8A,17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.5(8A,17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.6(8A,22) Procedure by which a person who is the subject of a record may have additions, dissents, or objections entered into a record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.7(8A,17A,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.8(8A,17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.9(8A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.10(8A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.11(8A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.12(8A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.13(8A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.14(8A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the department by personal identifier in record systems as defined in rule 11—4.1(8A,22). Unless otherwise stated, the authority to maintain the record is provided by Iowa Code chapter 8A.

4.14(1) Retrieval. Personal identifiers may be used to retrieve information from any of the systems of records that the department maintains that contain personally identifiable information.

4.14(2) Means of storage. Paper, microfilm, microfiche, and various electronic means of storage are used to store records containing personally identifiable information.

4.14(3) Comparison. Electronic or manual data processing may be used to match, to collate, or to compare personally identifiable information in one system with personally identifiable information in another system of records or with personally identifiable information within the same system.

4.14(4) Comparison with data from outside the department. Personally identifiable information in systems of records maintained by the department is retrievable through the use of personal identifiers and may be compared with information from outside the department when specified by law. This comparison is allowed in situations including:

a. Determination of any offset of a debtor's income tax refund or rebate for child support recovery or foster care recovery (Iowa Code section 8A.504);

b. Calculation of any offset against an income tax refund or rebate for default on a guaranteed student loan (Iowa Code section 8A.504);

c. Offset from any tax refund or rebate for any liability owed a state agency (Iowa Code section 8A.504);

d. Offset for any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of district court as a criminal fine, civil penalty surcharge, or court costs (Iowa Code section 8A.504).

4.14(5) Nature and extent. All of the record systems listed in subrule 4.14(6) contain personally identifiable information concerning matters such as income and social security numbers.

4.14(6) Record systems with personally identifiable retrieval. The department maintains the systems or records that contain personally identifiable and confidential information as described in the following paragraphs. The legal authority for the collection of the information is listed with the description or the system.

a. Personnel files. Personnel files are maintained by the department and the employee's appointing authority. An employee may have several files depending on the purpose of the file and the records maintained within the file. Personnel files consist of records that concern individual state employees and their families, as well as applicants for state employment.

(1) Personnel files contain personal, private, and otherwise confidential records related to a state employee's employment, performance and discipline and will be maintained as confidential in accordance with Iowa Code section 22.7(11) and any other applicable law.

(2) These records are collected in accordance with Iowa Code chapters 8A, 19B, 20, 70A, 85, 85A, 85B, 91A, and 509A and are confidential records under Iowa Code section 22.7(11) and other law.

b. Employee payroll records. The payroll records system consists of records that concern individual state employees and their families.

(1) Records under the jurisdiction of the department are collected in accordance with Iowa Code chapters 8A, 19B, 20, 70A, 85, 85A, 85B, 91A, and 509A, and portions are confidential records under Iowa Code section 22.7 and other law.

(2) These records contain names, social security numbers, and other identifying numbers and are collected in the form of paper, microfilm, tape, and electronic records. Electronic records permit the comparison of personally identifiable information in one record system with that in another system.

c. Vehicle dispatcher files. Vehicle assignments and credit card records may be accessed by personal identifier or by vehicle identification number. Other records which may contain personally identifiable information, but are not retrievable by it, are: mileage reports, auction information, automobile insurance premiums, pool car billings, departmental billing, motor fuel tax refund, and motor oil claims. Records are stored on paper, electronically, and on microfilm.

d. Capitol complex parking files. The general services enterprise maintains records concerning parking assignments, decals, gate cards, after-hours building passes, parking tickets, departmental parking coordinators, and hearings and appeals. All records except those related to hearings and appeals may be retrieved by personal identifier data. Records related to hearings and appeals are filed by date of hearing only. Records are stored on paper and electronically. Records relating to hearings and appeals are also stored on audio tapes.

e. Annual bid bonds. The printing division maintains a file of annual bid bonds for vendors eligible to bid on printing contracts. The file is alphabetical by vendor name and contains only those papers necessary for execution of the bond. This record is stored on paper only.

f. Telephone directory of state employees. The office of the chief information officer maintains a telephone directory of state employees. The directory contains names, department names, business addresses and telephone numbers. The publication also includes private industry information and advertising containing business names, addresses and telephone numbers. This record is stored both on paper and electronically.

g. Contracts. These are records pertaining to training, consultants, and other services. These records are collected in accordance with Iowa Code chapters 8A and 19B, and portions are confidential records under Iowa Code section 22.7. These records contain names, social security numbers, and other identifying numbers and are collected in the form of paper, microfilm, tape, and electronic records. Electronic records permit the comparison of personally identifiable information in one record system with that in another system.

h. Vendor files. The department maintains files of vendors eligible to do business with the state of Iowa. Files may contain applications, vendor information booklets, vendor codes, commodity codes, minority-owned vendor identification information, and mailing lists. Records are stored on paper and electronically.

4.14(7) *Releasable information on state employees.* The following information that is maintained in the state payroll system or a personnel file shall be released to the public without the consent of the employee because the information is not considered to be confidential information:

- a.* The name and compensation paid to the state employee.
- b.* The dates on which the state employee was employed by state government.
- c.* The position or positions that the state employee holds or has held with state government.
- d.* The state employee's qualifications for the position or positions that the state employee holds or has held including, but not limited to, educational background and work experience.
- e.* The fact that the state employee resigned in lieu of termination, was discharged, or was demoted as the result of disciplinary action and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion.

f. Personnel settlement agreements between the state employee and the state employee's employer.

[ARC 1568C, IAB 8/6/14, effective 9/10/14; ARC 3215C, IAB 7/19/17, effective 7/1/17; ARC 4134C, IAB 11/21/18, effective 12/26/18]

11—4.15(8A,22) Other groups of records. This rule describes groups of records maintained by the department other than record systems retrieved by individual identifiers as defined in rule 11—4.1(8A,22).

The records listed may contain information about individuals. These records are routinely available to the public, subject to costs. Unless otherwise designated, the authority for the department to maintain the record is provided by Iowa Code chapter 8A. All records may be stored on paper, microfilm, tape or in automated data processing systems unless otherwise noted.

4.15(1) *Rule-making records.* Official documents executed during the promulgation of department rules and public comments. This information is collected pursuant to Iowa Code chapter 17A.

4.15(2) *Board and commission records.* Agendas, minutes, and materials presented to boards and commissions within the department are available from the department except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5(4) or which are otherwise confidential by law. These records may identify individuals who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. These records may also be stored on audiotapes.

4.15(3) *Publications.* Publications include but are not limited to news releases, annual reports, project reports, and newsletters which describe various department programs.

4.15(4) *Information about individuals.* Department news releases, final project reports, and newsletters may contain information about individuals, including staff or members of boards or commissions.

4.15(5) *Statistical reports.* Periodic reports of activity for various department programs are available from the department.

4.15(6) *Appeal decisions and advisory opinions.* All final orders, decisions and opinions are open to the public except for information that is confidential according to rule 11—4.5(8A,17A,22) or subrule 4.13(2). These records, collected under the authority of Iowa Code chapters 8A, 19B, 20, 70A, 85, 85A, 85B, 91A, 97A, 97B, 97C, and 509A, may contain confidential information about individuals.

4.15(7) *Published materials.* The department uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright laws.

4.15(8) *Published manuals.* The department uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

4.15(9) *Mailing lists and contact lists.* The department maintains lists including names, mailing addresses, and telephone numbers of state employees, commission members, officials in government of other states, and members of the general public. These lists may be used for distribution of informational material, such as newsletters, policy directives, or educational bulletins. These lists are also used to provide contacts for coordination of services or as reference information sources.

4.15(10) *Publication sales files.* The general services enterprise maintains records of persons purchasing legal publications. Records are used to produce mailing lists for renewal notification and publication mailings. Records are maintained by ZIP code. These are paper records except for mailing list production.

4.15(11) *Bid/purchasing process.* The department maintains records of specifications, proposals, bid documents, awards, contracts, agreements, leases, performance bonds, requisitions, purchase orders, printing orders, supply orders, and correspondence.

4.15(12) *Project files.* The department maintains plans, specifications, contracts, studies, drawings, photos, blueprints, requests for services, abstracts, lease/rental files, 28E agreements, space administration, and facilities records.

4.15(13) *Property/equipment files.* The department maintains records of inventory, assignments, distribution, maintenance, requests, operations, shipping/receiving reports, and adjustments.

4.15(14) *Education program records.* Educational records include a library of training courses and reference materials, a library of course documentation, TSO data sets, Iowa interagency training system, class registrations of state employees, and files of course evaluations.

4.15(15) *Data processing files.* Data processing files include operations logs, database user requests, job number maintenance/update, data entry format book, integrated data dictionary, computer output

forms designations, system software, hardware/software configurations, problem determination/resolution records, and incident reports.

4.15(16) *Federal surplus property records.* Donee files include applications for eligibility and records of distribution, transfer orders of property from other federal agencies, and auction files. Auction records are filed by auction date only, but award forms may contain names of individuals purchasing property.

4.15(17) *Administrative records.* Administrative records include the following:

- a. Reports: weekly, monthly, annual, biennial, statistical, analysis, activity.
- b. Correspondence: public, interdepartmental, internal.
- c. Policies and procedures.
- d. Organizational charts or table of authorized positions.
- e. Memberships: professional/technical organizations.
- f. Budget and financial records.
- g. Accounting records: accounts receivable, accounts payable, receipts, invoices, claims, vouchers, departmental billings.
- h. Requisition of equipment and supplies.

4.15(18) *Legislative files.* Legislative files include pending bills, enrolled bills, legislative proposals, and copies of amendments.

4.15(19) *Printing files.* Printing files include print requisition, plates, negatives, samples, typesetting, artwork, and production logs.

4.15(20) *All other records.* Records are open if not exempted from disclosure by law.

[ARC 4053C, IAB 10/10/18, effective 11/14/18; ARC 7018C, IAB 5/17/23, effective 6/21/23]

11—4.16(8A,22) Data processing systems. Some of the data processing systems used by this department may permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

11—4.17(8A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—4.18(8A) Agency records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 8A and 22.

[Filed 12/17/03, Notice 11/12/03—published 1/7/04, effective 2/11/04]

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[Filed ARC 7018C (Notice ARC 6883C, IAB 2/8/23), IAB 5/17/23, effective 6/21/23]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 5
PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
WAIVERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 10
CUSTOMER COUNCILS
Rescinded IAB 11/5/08, effective 12/10/08

CHAPTERS 11 to 19
Reserved

TITLE II
INFORMATION TECHNOLOGY

CHAPTER 20
INFORMATION TECHNOLOGY GOVERNANCE
Rescinded **ARC 7018C**, IAB 5/17/23, effective 6/21/23

CHAPTERS 21 to 24
Reserved

CHAPTER 25
INFORMATION TECHNOLOGY OPERATIONAL STANDARDS
[Prior to 1/21/04, see 471—Ch 12]
Rescinded **ARC 7018C**, IAB 5/17/23, effective 6/21/23

CHAPTER 26
INFORMATION TECHNOLOGY DEVELOPMENT STRATEGIES AND ACTIVITIES
[Prior to 1/21/04, see 471—Ch 15]
Rescinded **ARC 7018C**, IAB 5/17/23, effective 6/21/23

CHAPTERS 27 to 34
Reserved

TITLE III
STATE ACCOUNTING

CHAPTERS 35 to 39
Reserved

TITLE VI
CENTRAL PROCUREMENT

CHAPTER 117
PROCUREMENT OF GOODS AND SERVICES OF GENERAL USE

[Prior to 10/29/03, see 401—Chapters 7, 8, and 9]

[Prior to 8/18/04, see 471—Chapter 13]

[Prior to 8/21/13, see 11—Chapter 105]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

11—117.1(8A) General provisions.

117.1(1) Applicability.

a. Goods and services of general use. Under the provisions of Iowa Code chapter 8A, these rules apply to the purchase of goods and services of general use by any unit of the state executive branch including a commission, board, institution, bureau, office, agency or department, except items used by the state department of transportation, institutions under the control of the board of regents, the department for the blind, and any other agencies or instrumentalities of the state exempted by law.

b. Services. Procurement of services shall also meet the provisions of Iowa Administrative Code, 11—Chapters 118 and 119.

117.1(2) Funding. The department and agencies shall follow procurement policies regardless of the funding source supporting the procurement. However, when these rules prevent the state from obtaining and using a federal grant, these rules are suspended to the extent required to comply with the federal grant requirements.

117.1(3) Electronic processing. Notwithstanding other administrative rules, requirements for paper transactions in the procurement of goods and services shall be waived when an alternative electronic process is available. If the vendor is unable to use the electronic process, an alternative paper process may be available.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 9355C, IAB 6/11/25, effective 7/16/25]

11—117.2(8A) Definitions.

“Acquisition” or “acquire” is defined in the same manner as “procurement,” “procure,” or “purchase.”

“Agency” or “state agency” means a unit of state government, which is an authority, board, commission, committee, council, department, examining board, or independent agency as defined in Iowa Code section 7E.4, including but not limited to each principal central department enumerated in Iowa Code section 7E.5. However, “agency” or “state agency” does not mean any of the following:

1. The office of the governor or the office of an elective constitutional or statutory officer.
2. The general assembly, or any office or unit under its administrative authority.
3. The judicial branch, as provided in Iowa Code section 602.1102.
4. A political subdivision of the state or its offices or units, including but not limited to a county, city, or community college.

“All or none” means an award based on the total for all items included in the solicitation.

“American-based business” means an entity that has its principal place of business in the United States of America.

“American-made product” means product(s) produced or grown in the United States of America.

“American motor vehicles” means those vehicles manufactured in this state and those vehicles in which at least 70 percent of the value of the motor vehicle was manufactured in the United States or Canada and at least 50 percent of the motor vehicle sales of the manufacturer are in the United States or Canada.

“Award” means the selection of a vendor to receive a master agreement or order of a good or service.

“Bid specification” means the standards or qualities which must be met before a contract to purchase will be awarded and any terms which the director has set as a condition precedent to the awarding of a contract.

“Competent and qualified” means an architect or engineer who, at the sole discretion of the department, has the capability in all respects to satisfactorily perform the scope of services required by the proposed contract in a timely manner.

“Competitive bidding procedure” means the advertisement for, solicitation of, or the procurement of bids; the manner and condition in which bids are received; and the procedure by which bids are opened, accessed, evaluated, accepted, rejected or awarded. A “competitive bidding procedure” refers to all types of competitive solicitation processes referenced in this chapter and may include a transaction accomplished in an electronic format.

“Competitive selection documents” means documents prepared for a competitive selection by a department or agency to purchase goods and services. Competitive selection documents may include requests for proposal, invitations to bid, or any other type of document a department or agency is authorized to use that is designed to procure a good or service for state government. A competitive selection document may be an electronic document.

“Department” means the department of administrative services (DAS).

“Director” means the director of the department of administrative services or the director’s designee.

“Emergency” includes, but is not limited to, a condition:

1. That threatens public health, welfare or safety; or
2. In which there is a need to protect the health, welfare or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement; or
3. In which the department or agency must act to preserve critical services or programs; or
4. In which the need is a result of events or circumstances not reasonably foreseeable.

“Emergency procurement” means an acquisition resulting from an emergency need.

“Enterprise” means most or all state agencies acting collectively, unless it is used in a manner such as “state accounting enterprise,” in which case it means the specific unit of the department of administrative services.

“Fair and reasonable price” means a price that is commensurate with the extent and complexity of the services to be provided and is comparable to the price paid by the department or other entities for projects of similar scope and complexity.

“Formal competition” means a competitive selection process that employs a request for proposals or other means of competitive selection authorized by applicable law and results in procurement of a good or service.

“Good” or *“goods”* means products or personal property other than money that is tangible or movable at the time of purchase, including specially manufactured goods. A contract for goods is a contract in which the predominant factor, thrust, and purpose of the contract as reasonably stated is for the acquisition of goods. When there is a contract for both goods and services and the predominant factor, thrust, and purpose of the contract as reasonably stated is for the acquisition of goods, a contract for goods exists.

“Goods and services of general use” means goods and services that are not unique to an agency’s program or that are needed by more than one agency. This chapter applies to the purchase of goods and services of general use.

“Governmental entity” means any unit of government in the executive, legislative, or judicial branch of government; an agency or political subdivision; any unit of another state government, including its political subdivisions; any unit of the United States government; or any association or other organization whose membership consists primarily of one or more of any of the foregoing.

“Informal competition” means a streamlined competitive selection process in which a department or agency makes an effort to contact at least three prospective vendors identified by the department or purchasing agency as qualified to perform the work described in the scope of work to request that they provide bids or proposals for the delivery of the goods or services the department or agency is seeking.

“Iowa-based business” means an entity that has its principal place of business in Iowa.

“Iowa product” means a product(s) produced or grown in Iowa.

“Life cycle cost” means the expected total cost of ownership during the life of a product, including disposal costs.

“Limited scope” means only a few specific services are required for a project. An example is a project for which all existing conditions and parameters are clearly evident or defined in a request for proposal, such as a project calling for development of specifications and bidding documents for replacement of an existing boiler.

“Lowest responsible bidder” means the responsible bidder that is fully compliant with the requirements and terms of the competitive selection document and that submits the lowest price(s) or cost(s).

“Master agreement” means a contract competitively bid and entered into by the department which establishes prices, terms, and conditions for the purchase of goods and services of general use. These contracts may involve the needs of one or more state agencies. Agencies may purchase from a master agreement without further competition. Master agreements (also referred to as “master contracts”) for a particular item or class of items may be awarded to a single vendor or multiple vendors. The department is the sole agency authorized to enter into master agreements for goods and services of general use.

“Newspaper of general circulation” means a newspaper meeting the definition set forth in Iowa Code section 618.3.

“Order” means a direct purchase or a purchase from a state contract or master agreement.

“Printing” means the reproduction of an image from a printing surface made generally by a contact impression that causes a transfer of ink, the reproduction of an impression by a photographic process, or the reproduction of an image by electronic means and shall include binding and may include material, processes, or operations necessary to produce a finished printed product, but shall not include binding, rebinding or repairs of books, journals, pamphlets, magazines and literary articles by a library of the state or any of its offices, departments, boards, and commissions held as a part of their library collection.

“Printing equipment” means offset presses, gravure presses, silk-screen equipment, large format ink jet printers, digital printing/copying equipment, letterpress equipment, office copiers and bindery equipment.

“Procurement,” “procure,” or “purchase” means the acquisition of goods and services through lease, lease/purchase, acceptance of, contracting for, obtaining title to, use of, or any other manner or method for acquiring an interest in a good or service.

“Procurement authority” means an agency authorized by statute to purchase goods and services.

“Purchasing card” means a statewide commercial credit card for electronic purchasing transactions by any agency, department, division, bureau, enterprise, unit or other state entity to facilitate the acquisition of goods, services and select travel expenses.

“Responsible bidder” means a vendor that has the capability in all material respects to perform the contract requirements. In determining whether a vendor is a responsible bidder, the department may consider various factors including, but not limited to, the vendor’s competence and qualification for the type of good or service required, the vendor’s integrity and reliability, the past performance of the vendor relative to the quality of the good or service, the past experience of the department in relation to the vendor’s performance, the relative quality of the good or service, the proposed terms of delivery, and the best interest of the state.

“Sealed” means the submission of responses to a solicitation in a form that prevents disclosure of the contents prior to a date and time established by the department for opening the responses. Sealed responses may be received electronically.

“Service” or “services” means work performed for an agency or its clients by a service provider. A contract for services is a procurement where the predominant factor, thrust, and purpose of the contract as reasonably stated is for services. When there is a mixed contract for goods and services, if the predominant factor, thrust, and purpose of the contract as reasonably stated is for service, with goods incidentally involved, a contract for services exists.

“Sole source procurement” means a purchase of a good or service in which the department or agency selects a vendor without engaging in a competitive selection process.

“Targeted small business (TSB)” means a targeted small business as defined in Iowa Code section 15.102 that is certified by the economic development authority pursuant to Iowa Code section 15.108 and as authorized by Iowa Code chapter 73.

“*Vendor*” means a person, firm, corporation, partnership, business or other commercial entity that provides services or offers goods for sale or lease.

“*Vendor on-line system*” means a state computer system that enables vendors to conduct business electronically with the state through an Internet location on the World Wide Web.

“*Web*” or “*website*” refers to an Internet location on the World Wide Web that provides information, communications, and the means to conduct business electronically.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4097C, IAB 10/24/18, effective 11/28/18; ARC 4134C, IAB 11/21/18, effective 12/26/18; ARC 4182C, IAB 12/19/18, effective 1/23/19; ARC 9355C, IAB 6/11/25, effective 7/16/25]

11—117.3(8A) Competitive procurement. It is the policy of the state to obtain goods and services from the private sector for public purposes to achieve value for the taxpayer through a competitive selection process that is fair, open, and objective. Where feasible, common use items will be purchased cooperatively with state agencies having independent procurement authority to leverage economies of scale, add convenience, standardize common items, and increase efficiencies.

117.3(1) Informal competition. The department may use informal competition or formal competition for the purchase of any good or service or group of goods or services of general use costing less than \$50,000.

117.3(2) Formal competition. The department shall use formal competition for the procurement of any good or service or group of goods or services of general use costing \$50,000 or more.

117.3(3) Construction procurement. Formal competition shall be used for selection of a vendor for construction, erection, demolition, alteration, or repair of a public improvement when the cost of the work exceeds \$100,000 or the adjusted competitive threshold established in Iowa Code section 314.1B.

117.3(4) Purchasing services. Thresholds for the use of formal or informal competition for the procurement of services are governed by rule 11—118.5(8A).

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 1485C, IAB 6/11/14, effective 7/16/14]

11—117.4(8A) Master agreements.

117.4(1) Use of master agreements. The department shall enter into master agreements to procure goods and services of general use for all state agencies with the exception of those purchases made by the state department of transportation, institutions under the control of the board of regents, the department for the blind, and any other agencies exempted by law. If the department has entered into a master agreement for a good or service of general use, a state agency that is not otherwise exempt shall purchase the good or service through the master agreement, unless a comparable good or service is available from a different vendor and the quantity required or an emergency or immediate need makes it cost-effective to purchase from that vendor. If an agency or agencies routinely or on a recurring basis purchase a specific good or service not available through a master agreement, the department may establish a master agreement for that good or service in cooperation with the affected agencies.

117.4(2) Term of master agreements. The initial term of a master agreement shall be no more than three years. Following the initial term, a master agreement may be renewed by the department for periods of one to three years; provided, however, that a master agreement, including all optional renewals, shall not exceed a term of six years unless a waiver of this provision is granted pursuant to rule 11—117.21(8A) (goods) or rule 11—118.16(8A) (services).

117.4(3) Master agreements available to governmental subdivisions. Master agreements entered into by the department may be extended to and made available for the use of other governmental entities as defined in Iowa Code section 8A.101. The department shall provide a list of current master agreements to a governmental subdivision upon request. The list may be provided in an electronic format. A governmental subdivision may request a copy of a specific master agreement. The department may provide the master agreement in an electronic format and assess a copying charge when a printed copy is requested.

[ARC 2036C, IAB 6/10/15, effective 7/15/15]

11—117.5(8A) Exemptions from competitive procurement. The director or designee may exempt goods and services of general use from competitive procurement processes when the procurement meets one of

the following conditions. All procurements that are exempt from competitive processes shall be recorded as such, and appropriate justification shall be maintained by the agency initiating the action. Each of the following exemptions from competitive procurement procedures require additional review and approvals.

117.5(1) *Emergency procurement.*

a. Justification for emergency procurement. An emergency procurement shall be limited in scope and duration to meet the emergency. When considering the scope and duration of an emergency procurement, the department or agency should consider price and availability of the good or service procured so that the department or agency obtains the best value for the funds spent under the circumstances. The department and agencies shall attempt to acquire goods and services of general use with as much competition as practicable under the circumstances.

b. Special procedures required for emergency procurements. Justification for the emergency purchase shall be documented and submitted to the director or designee for approval. The justification shall include the good or service that is to be or was purchased, the cost, and the reasons the purchase should be or was considered an emergency.

117.5(2) *Targeted small business (TSB) procurement.*

a. Justification for TSB procurement. Agencies may purchase from a TSB without competition for a purchase up to \$25,000 if the purchase would contribute to the agency complying with the targeted small business procurement goals under Iowa Code sections 73.15 through 73.21.

b. Special procedures for TSB procurements. Agencies must confirm that the vendor is certified as a TSB by the economic development authority. An agency may contact the TSB directly.

c. Reporting requirements for TSB procurement. By December 1 of each year, each agency shall provide the department with an annual report of procurements made in the previous fiscal year pursuant to paragraph 117.5(2)“a.” The annual report will be in a format prescribed by the department.

117.5(3) *Iowa Prison Industries (IPI) procurement.*

a. Justification for IPI procurement. If IPI manufactures or formulates a product, agencies shall purchase the product from IPI or obtain a written waiver in accordance with Iowa Code section 904.808, except as otherwise permitted in paragraphs “b” and “c.”

b. Purchase of standard modular office systems and related components. Purchase of standard modular office systems and related components and other furniture items shall be in accordance with 11—subrule 100.6(6).

c. Procurement of product manufactured in Iowa. An agency may conduct a competitive procurement for a product that IPI manufactures or formulates if the competitive procurement requires that the product must be manufactured in Iowa. In such procurements, IPI shall be allowed to submit a bid to provide the product. If a vendor other than IPI is the lowest responsible bidder, the agency shall obtain written verification that the vendor’s product is manufactured in Iowa before making the award.

d. Special procedures for IPI purchases. An agency may contact IPI directly.

117.5(4) *Procurement based on competition managed by other governmental entities.*

a. Justification for procurement based on competition managed by other governmental entities. The department may utilize a current contract, agreement, or purchase order issued by a governmental entity to establish an enterprise master agreement or make a purchase without further competition. The department may join a contract or agreement let by a purchasing consortium when the department reasonably believes it is in the best interest of the enterprise and reasonably believes the contract, agreement, or order was awarded in a fair and competitive manner.

b. Special procedures for procurement based on competition managed by other governmental entities. The department shall notify the other governmental entity and the requesting agency of its intent to use a contract, agreement, or purchase order prior to procuring the good or service in this manner. The department may purchase goods or services from contracts let by other governmental entities provided that the vendor is in agreement and the terms and conditions of the purchase do not adversely impact the governmental entity which was the original signatory to the contract.

117.5(5) *Sole source procurement.*

a. Justification for sole source procurement. A sole source procurement shall be avoided unless clearly necessary and justifiable. The director or designee may exempt the purchase of a good or service of general use from competitive selection processes when the purchase qualifies as a sole source procurement as a result of the following circumstances:

(1) One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good or service; or

(2) The procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, could most satisfactorily provide the good or service; or

(3) Applicable law requires, provides for, or permits use of a sole source procurement; or

(4) The federal government or other provider of funds for the goods and services being purchased (other than the state of Iowa) has imposed clear and specific restrictions on the use of the funds in a way that restricts the procurement to only one vendor; or

(5) Other circumstances for services exist as outlined in rule 11—118.7(8A).

b. Special procedures required for sole source procurement. For exemption from competitive processes, the requesting agency shall submit to the director justification that the procurement meets the definition of sole source procurement. Use of a sole source procurement does not relieve the department or an agency from negotiating a fair and reasonable price, investigating the vendor's qualifications and any other data pertinent to the procurement, and thoroughly documenting the action. The agency initiating the procurement shall maintain in a file attached to the order the justification and response from the director. The justification, response, and order shall be available for public inspection.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 3676C, IAB 3/14/18, effective 4/18/18; ARC 4097C, IAB 10/24/18, effective 11/28/18; ARC 4845C, IAB 1/1/20, effective 2/5/20; ARC 9355C, IAB 6/11/25, effective 7/16/25]

11—117.6(8A) Preferred products and vendors.

117.6(1) Preference to Iowa products and services.

a. All requests for proposals for materials, products, supplies, provisions and other needed articles and services to be purchased at public expense shall not knowingly be written in such a way as to exclude an Iowa-based company capable of filling the needs of the purchasing entity from submitting a responsive proposal.

b. The department and state agencies shall make every effort to support Iowa products when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the Iowa products. Tied bids between Iowa products shall be decided in accordance with subrule 117.13(4).

117.6(2) Preference to Iowa-based businesses. The department and state agencies shall make every effort to support Iowa-based businesses when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the Iowa-based business. Tied bids between Iowa-based businesses shall be decided in accordance with subrule 117.13(4).

117.6(3) American-made products. The department and agencies shall make every effort to support American-made products when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the American-made product. Tied bids between American-made products shall be decided in accordance with subrule 117.13(4).

117.6(4) American-based businesses. The department and agencies shall make every effort to support American-based businesses when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the American-based business. Tied bids between American-based businesses shall be decided in accordance with subrule 117.13(4).

117.6(5) Recycled product and content. The department and agencies shall make every effort to protect Iowa's environment in the procurement of goods. Recycled goods and goods that include recycled content shall be acquired when those goods are available and comparable in quality, performance, and price and there are not other mitigating factors. As required by Executive Order Number 56, the department and agencies shall whenever possible procure durable items that are readily recyclable when discarded, have minimal packaging, and are less toxic.

117.6(6) *Products made by persons with disabilities.* The department and agencies shall make every effort to procure those products for sale by sheltered workshops, work activity centers, and other special programs funded in whole or in part by public moneys that employ persons with mental retardation, other developmental disabilities, or mental illness if the products meet the required specifications.

117.6(7) *Targeted small businesses.* The department and agencies may buy from a targeted small business if a targeted small business is able to provide the good or service, pursuant to Iowa Code section 73.20.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4182C, IAB 12/19/18, effective 1/23/19]

11—117.7(8A) Centralized procurement authority and responsibilities.

117.7(1) *Centralized procurement of goods and services of general use.* The department shall procure goods and services of general use for all state agencies with the exceptions of those purchases made by the state department of transportation, institutions under the control of the board of regents, the department for the blind, and any other agencies exempted by law.

117.7(2) *Delegation of procurement authority.* The department shall establish guidelines for implementation of procurement authority delegated to agencies. The department shall assist agencies in developing purchasing and purchasing card procedures consistent with central purchasing policy and procedures and recommended governmental procurement standards.

117.7(3) *Planning, research, and development.* The director may establish advisory groups and customer councils of agency representatives appointed by the respective agency directors to assist the department in procurement planning and research and to advise on policies, procedures, and financing. This advice includes, but need not be limited to, market research, product specifications, terms and conditions; purchasing rules and guidelines; purchasing system development; and equitable financing of the enterprise purchasing system. The department will provide staff support for any advisory groups and councils that are created.

The department may periodically require forecasts from state agencies and institutions regarding future procurements. When requesting forecasts, the department shall assist agencies in securing and analyzing historical information related to previous purchasing activity.

117.7(4) *Purchasing card program.* The department shall establish and administer a purchasing card program available to any state agency, department, division, bureau, enterprise, unit or other state entity to facilitate the acquisition of goods, services and select travel expenses. The department shall establish program policies and procedures in accordance with state procurement and accounting policies, and any applicable statutory and regulatory authority. Except for state vehicle fuel purchase cards assigned by the department, the purchasing card shall be the only commercial credit card authorized by the department.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4182C, IAB 12/19/18, effective 1/23/19]

11—117.8(8A) Notice of solicitations.

117.8(1) *General notification.*

a. Bid posting. The department and each state agency shall provide notice of solicitations. The department and each state agency shall post notice of every formal competitive bidding opportunity and proposal to the official Internet site, bidopportunities.iowa.gov, operated by the department in accordance with Iowa Code sections 73.2, 8A.311, and 362.3. Instead of direct posting, the agency may add a link to bidopportunities.iowa.gov that connects to the website maintained by the agency on which requests for bids and proposals for that agency are posted. For the purposes of this subrule, a formal solicitation is as defined by the appropriate procurement authority. Informal competitive bidding opportunities and proposals may also be posted on or linked to the official state Internet site operated by the department.

b. Other forms of notice. Notice of competitive bidding opportunities and proposals may be provided by telephone or fax, in print, or by other means that give reasonable notice to vendors, in addition to the posting or linking of formal solicitations to the official Internet site operated by the department.

c. Posting of requests for architectural and engineering services. A request for proposals for architectural or engineering services may be posted electronically by a department or state agency in addition to other methods of advertisement required by law.

d. Bids voided. A formal competitive bidding opportunity that is not preceded by a notice that satisfies the requirements of this subrule is void and shall be rebid. This requirement shall be effective for formal competitive bidding opportunities issued on or after September 1, 2005.

117.8(2) Targeted small business notification. State agencies, when using formal competition, shall provide a 48-hour notice of each procurement for goods to the targeted small business portal located at the Iowa economic development authority's website in conformance with Iowa Code section 73.16(2).

117.8(3) Direct vendor notification. All procurement opportunities shall be directly communicated to vendors registered through the state's electronic procurement system, Vendor Self-Serve (VSS), if the vendors have indicated an interest in the type of good or service that is the subject of the solicitation. The notice shall be sent to the email or fax or other address entered on VSS by the vendor.

117.8(4) Advertisement of construction procurement. Construction solicitations shall be published when work is to be done and the cost of the work exceeds \$100,000 or the adjusted competitive threshold established in Iowa Code section 314.1B. The department shall publish notice to bidders in accordance with Iowa Code section 26.3.

117.8(5) Vendor intent to participate. In the event the department elects to conduct any procurement electronically or otherwise, it may require that vendors indicate their intention to participate in the procurement process.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 1485C, IAB 6/11/14, effective 7/16/14; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4134C, IAB 11/21/18, effective 12/26/18; ARC 4182C, IAB 12/19/18, effective 1/23/19]

11—117.9(8A) Types of solicitations. The department may use the following solicitation methods when procuring goods and services of general use for the enterprise.

117.9(1) Informal competition.

a. Description of solicitation. The informal request for bids or proposals may be completed electronically, by telephone or fax, or by other means determined by the department.

b. Response and evaluation. Informal bids shall be tabulated, evaluated, documented and attached to the purchase order.

117.9(2) Formal competition.

a. Description of solicitation. A formal request for bids or proposals shall include:

- (1) Bid due date.
- (2) Time of public bid opening.
- (3) Complete description of commodity needed.
- (4) Buyer's name or code.

b. Response and evaluation. Bids submitted shall be sealed until the date and time of opening. All bids received prior to the date and time set forth on the solicitation will be publicly opened and announced at the designated time and place. All responses shall be documented, evaluated, tabulated and available for public inspection.

117.9(3) Request for bids. A request for bids shall be used to select the lowest responsible bidder from which to purchase goods and services of general use on the basis of price. Vendors may offer goods and services that equal or exceed the state's specifications. Bids that do not meet specifications shall be rejected. The state will not give weight to goods and services offered which exceed specifications. When it is feasible to do so and objective data exists to support the state's decision, the award may be made on a life cycle cost basis.

117.9(4) Requests for proposals.

a. Description of solicitation. The department shall issue a request for proposals whenever a requirement exists for a procurement and cost is not the sole evaluation criterion for selection. The request for proposals shall provide information about a requirement for technical equipment or professional services that is sufficient for the vendor to propose a solution to the requirement. Elements of a request for proposals shall include, but need not be limited to:

- (1) Purpose, intent and background of the requirement.
- (2) Key dates in the solicitation process.

- (3) Administrative requirements for submitting a proposal and format for the proposal.
- (4) Scope of work and performance requirements.
- (5) Evaluation criteria and method of proposal evaluation.
- (6) Contractual terms and conditions.
- (7) Need for a vendor conference.

b. Response and evaluation. Proposals submitted shall be sealed until the date and time of opening. All proposals received prior to the date and time of opening will be opened, and the name of the submitting vendor will be announced. The issuing purchasing officer will review proposals for compliance with requirements before the proposals are submitted for evaluation. A request for proposals shall be evaluated according to criteria that are developed prior to the issuance of the request for proposal document and that consist of factors relating to technical capability and the approach for meeting performance requirements; competitiveness and reasonableness of price or cost; and managerial, financial and staffing capability.

117.9(5) *Best and final offer option.*

a. Description of solicitation. The department reserves the right at its sole discretion to conduct a best and final offer process prior to making an award. The best and final offer process shall be conducted after the receipt of responses to a solicitation and prior to publicly releasing the responses. Any best and final offer process shall not allow material modification of the original solicitation requirements or of the evaluation criteria.

The department shall provide to affected vendors instructions that describe in specific terms how the department intends to arrive at the final order or master agreement. The instructions may include modifying the initial offer, updating pricing based on any changes the agency has made, and any added inducements that will improve the overall score in accordance with the evaluation. Other types of solicitations described in this rule may be modified to allow for a best and final offer process.

The department may enter into negotiations with the highest ranked vendor or conduct simultaneous negotiations with a number of the most highly ranked vendors whose total scores are relatively close.

b. Response and evaluation. A best and final offer shall arrive by the due date and time determined by the department and shall be sealed. Evaluation of best and final offers shall be conducted in the same manner as original cost proposals. Scores on the best and final offer shall replace the score achieved on the original proposal.

When negotiating with the highest ranked vendor, the department may accept the vendor's best and final offer or reject the offer and open negotiations with the next highest ranked vendor. The department shall proceed in the same manner in rank order. If the state is unable to negotiate an agreement with the highest ranked vendor, the state may negotiate a best and final offer agreement with another vendor. A best and final offer agreement accepted from a subsequent vendor must be more favorable to the state than the rejected offer or offers.

When negotiating with the highest ranked group of vendors, the department shall request the best and final offer from each. The department shall issue a notice of intent to award that is in the best interest of the enterprise.

117.9(6) *Reverse auction.*

a. Description of solicitation. The department may purchase goods and services through a reverse auction, a repetitive competitive bidding process that allows vendors to submit one or more bids, with each bid having a lower cost than the previous bid. Notice to vendors shall be given as described in this chapter. The notice shall include the start and ending time for the reverse auction and the method in which it will be conducted.

b. Response and evaluation. Vendors intending to participate shall provide to the department a notice of their intent to participate and of their agreement to provide goods or services equal to or exceeding specifications. The department may require vendors to prequalify to participate in a reverse auction. Prequalification may include a requirement to commit to a baseline price.

117.9(7) *Invitation to qualify (ITQ).* The department may prequalify vendors and make available to an agency a list of vendors that are capable of providing the requested service.

a. Description of solicitation. The department may prequalify vendors for certain classes of solicitations, including but not limited to:

- (1) Consulting services,
- (2) Architectural services, and
- (3) Engineering services.

b. Notification of ITQ solicitation. Following institution of a prequalification process, the department may select, in a competitive manner, a prequalified vendor without public notice and without further negotiation of general terms and conditions. A solicitation may be restricted only to prequalified vendors, in addition to the TSB notification required by subrule 117.8(2).

c. Not an award. Vendor prequalification is not an award and does not create an obligation on the part of the department.

d. Purpose. The department shall use an invitation to qualify process for the purpose of facilitating a subsequent solicitation that uses one of the other methods described in these rules. The purposes of using an invitation to qualify process include but are not limited to the following:

- (1) Standardize state terms and conditions relating to the type of procurement, thereby avoiding repetition and duplication.
- (2) Ensure that prequalified vendors are capable of performing work in a manner consistent with operational standards developed and adopted by the department.
- (3) Implement a pay-for-performance model directly linking vendor payments to defined results as required by Iowa Code section 8.47.
- (4) Consolidate records of vendor qualifications and performance in one location for reference and review.
- (5) Reduce time required for solicitation of proposals from vendors for individual procurements.

e. Evaluation criteria. The department shall develop criteria for vendor qualification based upon its own expertise, the recommendations of its advisors, information and research, and the needs of agencies. The department shall develop and specify evaluation criteria for each invitation to qualify. Examples of evaluation criteria may include but are not limited to the following:

- (1) Affirmative responses to a mandatory agreement questionnaire.
- (2) Ratings of at least average on a professional/technical personnel questionnaire.
- (3) Scores in a specified range for each client reference survey.
- (4) Competitive cost data by type of service.
- (5) Acceptable vendor financial information.

f. Issuance of open invitation.

- (1) The department shall issue invitations to qualify on an as-needed basis.
- (2) The department shall specify the period of time that the invitation to qualify will remain open and the time period for applicability.
- (3) Vendors may apply for eligibility on a continuous basis during the time period that the invitation to qualify remains open.

g. Response and evaluation.

- (1) Vendors seeking to qualify shall be required to meet all the criteria established by the department for a particular category or type of solicitation.
- (2) The department shall continuously evaluate vendor applications for placement on a prequalified-vendor list during the period that the invitation to qualify remains open.

h. Acceptable performance levels.

- (1) The department shall establish and notify prequalified vendors of minimum acceptable performance levels and institute a performance tracking mechanism on each prequalified vendor.
- (2) An approved vendor remains qualified for the period specified by the department unless the vendor does not meet minimum acceptable performance levels.
- (3) If a vendor's performance falls below the minimum acceptable level, the vendor shall be removed from the prequalified list.

(4) A vendor that does not prequalify or that is removed from the prequalified list due to the vendor's performance has the right to appeal in accordance with rule 11—117.20(8A).

117.9(8) *Other types of solicitations.* The department may use other types of competitive solicitations not outlined in these rules if the following conditions are met:

- a. The solicitation method has been clearly described in public notice.
- b. The solicitation method includes fair and objective criteria for determining the award.

117.9(9) *Request for information (RFI).* A request for information (RFI) is a nonbinding method an agency may use to obtain market information from interested parties for a possible upcoming solicitation. Information may include, but is not limited to, best practices, industry standards, technology issues, and qualifications and capabilities of potential suppliers. Agencies considering the use of an RFI shall contact the department for information and guidance in using this process.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 9355C, IAB 6/11/25, effective 7/16/25]

11—117.10(8A) Procurement of architectural and engineering services.

117.10(1) *Qualifications.* As part of the competitive selection process, the department shall determine whether an architect or engineer is competent and qualified. In making this determination, the department may consider the following factors:

1. Professional licensing or registration credentials,
2. Integrity and reliability,
3. Past performance relative to the quality and timeliness of service on similar projects,
4. Past experience with the state in relation to services provided,
5. Quality and timeliness of the services provided,
6. The proposed terms of delivery, and
7. The best interests of the state.

117.10(2) *Fair and reasonable price.* As part of the competitive selection process, the department may request, in addition to the architect's or engineer's qualifications, pricing information that may include a total fee for the specified services, hourly rates, or other pricing measures that will help the department establish a fair and reasonable price.

a. The department shall request a fee proposal(s) as part of the competitive selection process only when the services required are of limited scope, limited duration or otherwise clearly defined. An award shall not be made solely on the basis of the lowest price.

b. When a fee is not requested as part of the competitive selection process, other pricing factors shall be requested, and the firm deemed most qualified will be asked to negotiate a fee using the pricing factors included in the firm's proposal. If a fair and reasonable price for the work cannot be negotiated, the department shall reject the firm's proposal and begin negotiations for a fair and reasonable price with the next most qualified firm.

Examples of fair and reasonable pricing factors include:

- (1) Hourly rates and anticipated hours,
- (2) A lump sum fee,
- (3) Any other costs the department determines to be fair and reasonable.

c. If reimbursable expenses are included in the price proposal, rates shall not exceed those in procedure 210.245, "Travel-in-state—board, commission, advisory council, and task force member expenses," of the department's state accounting enterprise's Accounting Policy and Procedures Manual.

d. The fee proposal or other pricing information shall serve as a basis for contract negotiations.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4134C, IAB 11/21/18, effective 12/26/18]

11—117.11(8A) Procurement of information technology devices and services. Rescinded ARC 9355C, IAB 6/11/25, effective 7/16/25.

11—117.12(8A) Specifications in solicitations. All specifications used in solicitations shall be written in a manner that encourages competition.

117.12(1) *Limitations on brands and models.* Specifications shall be written in general terms without reference to a particular brand or model unless the reference is clearly identified as intending to illustrate the general characteristics of the item and not to limit competition. A specific brand or model may be procured only when necessary to maintain a standard required or authorized by law or rule or for connectivity or compatibility with existing commodities or equipment.

117.12(2) *Recycled content and products.* When appropriate, specifications shall include requirements for the use of recovered materials and products. The specifications shall require, at a minimum, that all responses to a solicitation include a product content statement that describes the percentage of the content of the item that is reclaimed material.

The department shall revise specifications developed by agencies if the specifications restrict the use of alternative materials, exclude recovered materials, or require performance standards that exclude products containing recovered materials unless the agency seeking the product can document that the use of recovered materials will impede the intended use of the product.

Specifications shall support the following procurements:

a. Products containing recovered materials, including but not limited to lubricating oils, retread tires, building insulation materials, and recovered materials from waste tires.

b. Bio-based hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans in accordance with Iowa Code section 8A.316.

117.12(3) *Life cycle cost and energy efficiency.* The department and agencies shall utilize life cycle cost and energy efficiency criteria in developing standards and specifications for procuring energy-consuming products except for passenger vehicles; light, medium-duty, and heavy-duty trucks; passenger and cargo vans; and sport utility vehicles.

117.12(4) *All or none solicitations.* A solicitation may specify whether or not responses will be accepted on an all or none basis. Only when this statement appears on the solicitation may it be included in the response. The department may award either by item or by lot, whichever is to the advantage of the enterprise.

117.12(5) *Financial security.* The department may require bid, litigation, fidelity, and performance security as designated in the solicitation documents. When required, a security may be by certified check, cashier's check, certificate of deposit, irrevocable letter of credit, bond, or other security acceptable to the department.

When required, a security shall not be waived. The security provided by vendors shall be retained until all provisions of the solicitation have been met. The security will then be returned to the vendor.

117.12(6) *Vehicle procurement.*

a. Specifications for procurement of all non-law enforcement, light-duty vehicles, excluding those purchased and used for off-road maintenance work or to pull loaded trailers, shall be for flexible fuel vehicles when an equivalent flexible fuel model is available.

b. Use of specifications for hybrid-electric or other alternative fuel vehicles is encouraged. Procurement of hybrid-electric or other alternative fuel vehicles may be dependent upon whether the cost of the vehicle is equivalent to a non-alternative fuel vehicle or non-flexible fuel vehicle (a vehicle with a gasoline E10 engine).

c. The average fuel efficiency for new passenger vehicles and light trucks that are purchased in a year shall equal or exceed the average fuel economy standard for the vehicles' model years as published by the United States Secretary of Transportation.

117.12(7) *Bulk diesel fuel procurement.* Specifications for procurement of all bulk diesel fuel shall ensure that all bulk diesel procured has at least 5 percent renewable content by 2007, 10 percent renewable content by 2008, and 20 percent renewable content by 2010, provided that fuel that meets the American Society for Testing and Materials (ASTM) D-6751 specification is available. Bulk diesel fuel that is used exclusively for emergency generation is exempt from the renewable content requirement.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4137C, IAB 11/21/18, effective 12/26/18]

11—117.13(8A) Awards. The department shall select a vendor on the basis of criteria contained in the competitive selection document.

117.13(1) *Intent to award.* After evaluating responses to a solicitation using formal competition, the department shall notify each vendor submitting a response to the solicitation of its intent to award to a particular vendor or vendors subject to execution of a written contract(s). Documentation of awards for solicitations using informal competition will be made available to interested parties upon request. This notice of intent to award does not constitute the formation of a contract(s) between the state and successful vendor(s). If a vendor is not registered on the vendor on-line system and does not provide an email address or fax number, the notice will be mailed.

117.13(2) *Rejection of bids.* The department reserves the right to reject any or all responses to solicitations at any time for any reason. New bids may be requested at a time deemed convenient to the department and agency involved.

117.13(3) *Minor deficiencies and informalities.* The department reserves the right to waive minor deficiencies and informalities if, in the judgment of the department, the best interest of the state of Iowa will be served.

117.13(4) *Tied bids and preferences.* If an award is based on the highest score and there is a tied score, or if the award is based on the lowest cost and there is a tied cost, the award shall be determined by a drawing. Whenever it is practical to do so, the drawing will be held in the presence of the vendors with the tied bids. Otherwise, the drawing will be held in front of at least three noninterested parties. All drawings shall be documented.

a. Notwithstanding the foregoing, whenever a tie involves an Iowa vendor and a vendor outside the state of Iowa, first preference will be given to the Iowa vendor. Whenever a tie involves one or more Iowa vendors and one or more vendors outside the state of Iowa, the drawing will be held among the Iowa vendors only. Tied bids involving Iowa-produced or Iowa-manufactured products and items produced or manufactured outside the state of Iowa will be resolved in favor of the Iowa product. If a tied bid does not include an Iowa vendor or Iowa-produced or Iowa-manufactured product, preference will be given to a vendor based in the United States or products produced or manufactured in the United States over a vendor based or products produced or manufactured outside the United States.

b. In the event of a tied bid between Iowa vendors, the department shall contact the Iowa Employer Support of the Guard and Reserve (ESGR) committee for confirmation and verification as to whether the vendors have complied with ESGR standards. Preference, in the case of a tied bid, shall be given to Iowa vendors complying with ESGR standards.

117.13(5) *Consideration of life cycle costs.* When appropriate to the procurement, life cycle costs shall be considered during the award process.

117.13(6) *Trade-ins.* When applicable and in the best interest of the state, the department may trade in devices or services to offset the cost of devices or services in a manner consistent with procurement practices to ensure accountability with the state's fixed asset inventory system.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15]

11—117.14(8A) Agency purchasing authority and responsibilities.

117.14(1) *Purchase of goods.* An agency may acquire goods not otherwise available from a master agreement in accordance with the procurement threshold guidelines in 11—117.15(8A).

117.14(2) *Purchase of services.* An agency may procure services unique to the agency's program or used primarily by that agency and not by other agencies. The department will assist agencies with these procurements upon request. Procurement of services by an agency shall comply with the provisions of 11—Chapters 118 and 119.

117.14(3) *Procurement of printing.*

a. As the first step in the printing procurement process, an agency may provide its request to state printing. State printing may produce the printing internally or procure the printing for the agency.

b. An agency may procure printing. Procurement of printing by an agency shall utilize formal or informal competitive selection, pursuant to 11—117.3(8A). The agency's internal procedures and controls

for competitive selection of a printing vendor shall be consistent with the requirements of the department and the state auditor.

117.14(4) *Procurements requiring additional authorization.* Except where exempted by statute, the following purchases require additional approval.

- a. Vehicles, as prescribed in Iowa Code sections 8A.361 and 8A.362.
- b. Architectural and engineering services, except for agencies with independent authority, as prescribed in Iowa Code sections 8A.302, 8A.311, 8A.321, 218.58, and 904.315.
- c. Legal counsel, as prescribed in Iowa Code section 13.7.
- d. Telecommunications equipment and services, as required by Iowa Code chapter 8D and the rules of the telecommunications and technology commission.

117.14(5) *Establishment of agency internal procedures and controls.*

a. Agencies shall establish internal controls and procedures to initiate purchases, complete solicitations, make awards, approve purchases, and receive goods. The procedures shall address adequate public recordings of the purchases under the agency's authority consistent with law and rule. Internal controls and security procedures that are consistent with the requirements of the department and state auditor, including staff authority to initiate, execute, approve, and receive purchases, shall be in place for all phases of the procurement.

b. Agencies participating in the department's purchasing card program shall comply with the program policies and procedures in accordance with state procurement and accounting policies, and any applicable statutory and regulatory authority.

c. If an agency develops internal policies and procedures specific to its use of purchasing cards, the policies and procedures may be more, but not less, restrictive than the department's. In the event of a conflict between the agency and department policies and procedures, the department's shall take precedence.

117.14(6) *Agency receipt of goods.* Agencies receiving goods shall:

- a. Inspect or otherwise determine that the goods received meet the specifications, terms and conditions within the order or master agreement,
 - b. Initiate timely payment for goods meeting specifications, and
 - c. Document the receipt of goods electronically in a manner prescribed by the department.
- All provisions of 11—117.19(8A) shall apply to agency receipt of goods.

117.14(7) *Partial orders.* Agencies may accept partial orders and await additional final receipt or may accept a partial order as a final order. The agency shall notify the vendor of its decision. An agency may pay a vendor a prorated amount for the partial order.

117.14(8) *Items not meeting specifications.* An agency shall not approve final receipt when goods appear not to meet specifications. An agency shall approve final receipt only when satisfied that the goods meet or exceed the specifications and terms and conditions of the order or master agreement. When an agency and vendor are unable to agree as to whether the specifications, terms and conditions are met, the department shall make the decision.

Agencies shall notify the department and the vendor when apparent defects are first noticed. The department will assist the agency with negotiating a satisfactory settlement with the vendor.

117.14(9) *Payment to vendors following final receipt.* An agency shall not unreasonably delay payment on orders for which final receipt is accepted. Except in the case of latent defects in goods, payment to the vendor by the agency signifies agreement by the agency that the goods received are satisfactory. Payment to vendors may be made by any commercially acceptable method, including a state procurement card, in accordance with state financial requirements.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4182C, IAB 12/19/18, effective 1/23/19; ARC 9355C, IAB 6/11/25, effective 7/16/25]

11—117.15(8A) Thresholds for delegating procurement authority.

117.15(1) *Agency direct purchasing—basic level.* An agency may procure non-master agreement goods costing not greater than \$15,000 without competition.

117.15(2) *Agency direct purchasing—advanced level.* An agency may procure non-master agreement goods up to \$50,000 per transaction in a competitive manner using either informal or formal competition provided the agency personnel engaged in the purchase of goods have completed enhanced procurement training established by the director or designee. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.

117.15(3) *Preference to targeted small businesses.* Agencies shall search the TSB directory on the Iowa economic development authority’s website and may purchase a good or service directly from the TSB source if the cost is equal to or less than the spending limit set forth in paragraph 117.5(2) “a.” Agencies shall comply with the TSB notification requirements in subrule 117.8(2).

117.15(4) *Misuse of agency authority.*

a. Purchasing authority delegated to agencies shall not be used to avoid the use of master agreements. The agency shall not break purchasing into smaller increments for the purpose of avoiding threshold requirements in subrule 117.5(2), 117.15(1) or 117.15(2).

b. As a remedy, the department may recover administrative fees appropriate to the improper execution of procurement.

c. This rule is not intended to prohibit agencies from aggressively seeking competitive prices. Agencies may purchase outside of master agreements under subrule 117.4(1).

d. The department may rescind delegated authority of an agency that misuses its authority or uses the authority to procure goods or services already available on a master agreement.

e. This rule does not prohibit agencies from dividing procurements into contract award units of economically feasible production runs to facilitate offers or bids from targeted small businesses consistent with subrule 117.5(2) and Iowa Code section 73.17(1).

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 1485C, IAB 6/11/14, effective 7/16/14; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 2267C, IAB 11/25/15, effective 12/30/15; ARC 4182C, IAB 12/19/18, effective 1/23/19; ARC 4845C, IAB 1/1/20, effective 2/5/20; ARC 6263C, IAB 3/23/22, effective 4/27/22]

11—117.16(8A) Printing. This rule provides guidelines for the letting of contracts for public printing by the department and by state agencies, including the enforcement by the department of contracts for printing, except as otherwise provided by law.

117.16(1) *Competitive selection for printing.* The department and state agencies shall procure printing by competitive selection according to the rules of this chapter except when the printing is produced by state printing, pursuant to rule 11—102.4(8A) or the procurement is otherwise exempt from competitive selection pursuant to rule 11—117.5(8A). When an agency elects to purchase printing by competitive selection rather than using the services of state printing or a TSB, state printing and TSBs shall be part of the bidding process.

117.16(2) *Specifications for printing.*

a. *Preparation of written specifications.* The department or a state agency shall procure printing by preparing a competitive selection document with written specifications and issue the same to bidders. The bid specifications shall become a part of the printing contract.

b. *Inspection of specifications.* All specifications shall be held on file in the department’s printing division office or the office of the state agency conducting the solicitation and shall be available for inspection by prospective bidders.

117.16(3) *Notification of solicitation for printing.* The department or a state agency conducting the solicitation shall provide notification of the solicitation for printing to vendors.

117.16(4) *Bid bonds for printing.*

a. *When applicable.* Security in the form of a bid bond or a certified or cashier’s check may be required from printing vendors.

b. *Amount of bonds.* If a bid bond is required, each formal bid for printing must be accompanied by a certified or cashier’s check for the amount stated in the specifications. An annual bid bond in an amount set by the department may be deposited with the department by the bidder to be used in lieu of a certified or

cashier's check. The amount of the bond is fixed annually and bonds are dated from July 1 to June 30 of the following year.

c. Return of bid bonds. Checks of unsuccessful bidders will be returned when the printed item is contracted. The check of the successful bidder will be returned when the performance bond is received and accepted by the department or by the state agency conducting the solicitation.

d. Performance bonds. When required by the specifications, the successful bidder must deposit with the department or with the state agency conducting the solicitation a performance bond equal to 10 percent of the contract price unless otherwise stated in the specifications. The performance bond must be deposited within 21 days of the date the contract or bond paperwork is issued to the vendor by the department or agency.

e. Forfeiture of bid bond. Failure to enter into a contract by the successful bidder within ten days of the award may result in forfeiture of 10 percent of the bid bond or the certified or cashier's check, if a check is on deposit in lieu of a bond.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15]

11—117.17(8A) Vendor registration and approval. Every vendor wishing to do business with the state shall register as a vendor. Every vendor shall register prior to submitting a response to a solicitation except in the case of an emergency procurement when the vendor shall register prior to filling an order or as soon as practicable. Only properly registered vendors are entitled to payment.

117.17(1) Vendor on-line registration. Vendors are encouraged to register electronically using the vendor on-line system. Vendors that are registered on the vendor on-line system are eligible for all services at the site, including receiving electronic notices of solicitations and submitting an electronic response to a solicitation.

Information from vendors completing registration through the vendor on-line system shall be protected through the use of uniquely identifying information known only to the department and the vendor to confirm the identity of the vendor for all subsequent actions, including responses to solicitations.

The department may take action to restrict or deny use of the vendor on-line system in response to inappropriate use of the site. The department may edit or delete a vendor's posting on the vendor bulletin board if the posting is not appropriate to the business of state purchasing.

117.17(2) Alternate vendor registration. A vendor may register by directly contacting the department or an agency initiating a procurement.

117.17(3) Vendor registration information maintenance. Vendors are responsible for maintaining current and accurate registration information. If registered on the vendor on-line system, the vendor shall update the vendor's account whenever information changes. If registered in an alternate manner, the vendor is responsible for notifying the department or agency of any change in information. This information includes, but is not limited to, company name or type, payment address, procurement address and other contact information.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2267C, IAB 11/25/15, effective 12/30/15]

11—117.18(8A) Vendor performance.

117.18(1) Review of vendor performance. The department, in cooperation with agencies, shall periodically, but at least directly prior to renewal of a master agreement, review the performance of vendors. Agencies are encouraged to document vendor performance throughout the duration of the contract and report any problems to the department as they are identified. Performance reviews shall be based on the specifications of the master agreement or order, and shall include, but need not be limited to:

1. Compliance with the specifications,
2. On-time delivery, and
3. Accuracy of billing.

This review will help determine whether the vendor is a responsible bidder for future projects.

117.18(2) Vendor suspension or debarment. Prior performance on a state contract may cause a vendor to be disqualified or prevent the vendor from being considered a qualified bidder. In addition, a vendor may be suspended or debarred for any of the following reasons:

- a. Failure to deliver within specified delivery dates without agreement of the department or the agency.
- b. Failure to deliver in accordance with specifications.
- c. Attempts to influence the decision of any state employee involved in the procurement process.
- d. Evidence of agreements by vendors to restrain trade or impede competitive bidding. Such activities shall in addition be reported to the attorney general for appropriate action.
- e. Determination by the civil rights commission that a vendor conducts discriminatory employment practices in violation of civil rights legislation and executive order.
- f. Evidence that a vendor has willfully filed a false certificate with the department.
- g. Debarment by the federal government.

117.18(3) *Correcting performance.* The department shall notify in writing any vendor considered for suspension or debarment and provide the vendor an opportunity to cure the alleged situation. If the vendor fails to remedy the situation after proper notice, the department director may suspend the vendor from eligibility for up to one year or debar the vendor from future business depending on the severity of the violation. The appeal provisions of this chapter shall apply to the decision of the director.

117.18(4) *Remedies for failure to deliver or for delivery of nonconforming goods or services.* If a vendor fails to remedy the situation after the opportunity to cure is provided, the department or agency may procure substitute goods or services from another source and charge the difference between the contracted price and the market price to the defaulting vendor. The attorney general shall be requested to make collection from the defaulting vendor.

[ARC 0952C, IAB 8/21/13, effective 9/25/13]

11—117.19(8A) General instructions, terms and conditions for vendors. The following instructions, terms and conditions shall apply to all solicitations unless otherwise stated in the solicitation.

117.19(1) *Instructions for vendors.* The vendor must follow all instructions in the manner prescribed and furnish all information and samples as stated in the solicitation. Minor deficiencies and informalities may be waived if, in the judgment of the department, the best interests of the state will be served.

117.19(2) *Deadline for submission of bid or proposal.* It is the responsibility of the vendor to submit a response to a solicitation according to time, date, and place stated in the solicitation documents. Late responses will be rejected. Unfamiliarity with a geographical location, weather events, labor stoppages, failure of a carrier to meet promised delivery schedules, mechanical failures, and similar reasons are not sufficient justifications for the department to accept a late bid or proposal. At its sole discretion, the department may accept a late response if the delay is due to a catastrophic event and acceptance by the department does not result in an advantage to a competitor.

117.19(3) *Confidential information in a solicitation response.* Unless material submitted in response to a solicitation is identified as proprietary or confidential by the vendor in accordance with Iowa Code section 22.7, all submissions by a vendor are public information. To facilitate a fair and objective evaluation of proposals, submissions by vendors will not be released to competitors or the public prior to issuance of the notice of intent to award. If a vendor's claim of confidentiality is challenged by a competitor or through a request by a citizen to view the proposal, it is the sole responsibility of the vendor to defend the claim of confidentiality in an appropriate venue. The department will not release the subject material while the matter is being adjudicated.

117.19(4) *Recycled products.* A vendor shall be required to include for all applicable procurements a product content statement providing the percentage of the content of the item that is reclaimed material.

117.19(5) *Modifications or withdrawal of a solicitation response.* A solicitation response may be withdrawn or modified prior to the time and date set for opening. Withdrawal or modification requests shall be in writing. With the approval of the director or designee, a bid or proposal may be withdrawn after opening only if the vendor provides prompt notification and adequately documents the commission of an honest error that might cause undue financial loss. The department may contact a vendor to determine if an error occurred in the vendor's proposal.

117.19(6) *Security.* The department may require bid or proposal security in accordance with subrule 117.12(5). When required, security shall not be waived.

117.19(7) *Assignments.* A vendor may not assign an order or a master agreement to another party without written permission from the department.

117.19(8) *Strikes, lockouts or natural disasters.* A vendor shall notify the department promptly whenever a strike, lockout or catastrophic event prevents the vendor from fulfilling the terms of an order or contract. The department and affected agency may elect to cancel an order or master agreement at their discretion.

117.19(9) *Subcontractors or secondary suppliers.* Vendors shall be responsible for the actions of and performance of their subcontractors or secondary suppliers. Vendors shall be responsible for payment to all subcontractors or secondary suppliers. Vendors awarded a state construction contract shall disclose the names of all subcontractors within 48 hours after the award of the contract and advise the department of changes in the names of subcontractors throughout the duration of the project.

117.19(10) *Material and nonmaterial compliance.* At its sole discretion, the department reserves the right to waive technical noncompliance with instructions when such noncompliance, as viewed by a reasonable and prudent person, did not result in an advantage to the vendor submitting the apparent lowest bid or best proposal or would not result in a disadvantage to other vendors submitting competing bids or proposals.

117.19(11) *Item and pricing.* Price information shall be submitted in response to a solicitation as stated in the instructions. In the case of an error, unit price shall prevail. Unless otherwise stated, all prices shall be submitted with free-on-board (FOB) destination including freight and handling costs.

Prices for one-time purchases must be firm, and preference will be given to firm prices in multiple award contracts. If the department believes it is in the best interest of the state, an economic price adjustment clause based on an acceptable economic indicator may be included in multiple delivery contracts.

a. Price during testing. Items may require testing either before or after the final award is made. In these cases, the vendor must guarantee the price through the completion of testing.

b. Unless otherwise contained in the specifications, all items for which a vendor submits a quotation shall be new, of the latest model, crop year or manufacture and shall be at least equal in quality to those specified.

c. Escalator clauses. Unless specifically provided for in the solicitation document, a response containing an escalator clause that provides for an increase in price will not be considered.

d. Discounts. Only cash discounts that apply to payment terms of 30 days or more will be considered in determining awards. Other payment terms will not be considered. The state will attempt to earn any discounts offered and will compute the period from the latest of the following:

- (1) From date of invoice.
- (2) From the date the complete order is received.
- (3) From the date the vendor's certified invoice is received.

When additional testing of a product is required after delivery, the discount period shall not begin until testing is completed and final approval made.

117.19(12) *Notice of intent to award.* After evaluating responses to a solicitation, the department shall notify each vendor submitting a response to the solicitation of its intent to award to a particular vendor or vendors subject to execution of a written contract(s). This notice does not constitute the formation of a contract(s) between the state and the vendor(s) to which the notice of intent to award has been issued.

If a vendor is not registered on the vendor on-line system and does not provide an email address or fax number, the notice will be sent by ordinary mail.

117.19(13) *Time of acceptance of award.* If a time is not stated in the competitive selection document, the vendor may state the length of time that the state has to accept the vendor's offer. This period shall not be less than 10 days for informal quotations or less than 30 days for formal bids. If the vendor states no minimum time period, the offer shall be irrevocable for 90 days. The department may require a longer evaluation period for technical equipment.

117.19(14) Delivery.

a. Delivery date. A vendor shall show in a response to a solicitation the earliest date on which delivery can be made. The department may include in a solicitation the acceptable delivery date for a commodity. The department may consider delivery dates as a factor in determining to which vendor the notice of intent to award shall be issued. Goods in transit remain the responsibility of the vendor.

b. Notice of rejection. The reason for any rejection of a shipment, based on apparent deficiencies that can be disclosed by ordinary methods of inspection, will be given by the receiving agency to the vendor and carrier within a reasonable time after delivery of the item with a copy of this notice provided to the purchasing section. Notice of latent deficiencies that would make items unsatisfactory for the intended purpose may be given at any time after acceptance.

c. Disposition of rejected item. The vendor must remove at the vendor's expense any rejected item. If the vendor fails to remove the rejected item within 30 days of notification, the department or an agency may dispose of the item by offering it for sale, deduct any accrued expense and remit the balance to the vendor.

d. Testing after delivery. Laboratory analysis of an item or other means of testing may be required after delivery. In such cases, vendors will be notified in writing that a special test will be made and that payment will be withheld until completion of the testing process.

e. Risk of loss or damage. Risk of loss or damage remains with the vendor until delivery and acceptance by the agency at the destination shown on the order.

f. Vendor responsibility for removal of trade-ins. Whenever the purchase of an item of equipment has been made with the trade-in of equipment, it shall be the vendor's responsibility to remove the traded equipment within 30 days of the final acceptance of the purchased equipment by the agency, if not otherwise specified in the competitive selection document. The department or agency will not assume responsibility for equipment that is not removed within this time period and may cause the equipment to be removed by and shipped to the vendor and may bill the vendor for all packing, crating and transportation charges.

117.19(15) Master agreement and purchase order modifications. When consistent with the purpose and intent of the original master agreement or order, amendments or modifications may be issued. All modifications shall be documented and approved by the department or agency and the vendor before modifications take effect. Modifications shall not be used unreasonably to avoid further competition.

117.19(16) Federal and state taxes. The state of Iowa is exempt from the payment of Iowa sales tax, motor vehicle fuel tax and any other Iowa tax that may be applied to a specified commodity or service. A vendor shall be furnished a revenue department exemption letter upon request.

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15]

11—117.20(8A) Vendor appeals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

11—117.21(8A) Waiver procedure.

117.21(1) Definition. For the purpose of this chapter, a "waiver" means an action by the director that suspends, in whole or in part, the requirements or provisions of a rule in this chapter as applied to a state agency when the state agency establishes good cause for a waiver of the rule.

117.21(2) Requests for waivers. A state agency seeking a waiver shall submit a written request for a waiver to the director. The written request shall identify the rule for which the state agency seeks a waiver or the contract or class of contracts for which the state agency seeks a waiver and the reasons that the state agency believes justify the granting of the waiver.

117.21(3) Criteria for waiver. In response to a request for a waiver submitted by a state agency, the director may issue an order waiving in whole or in part the requirements of a rule in this chapter if the director finds that the state agency has established good cause for the waiving of the requirements of the rule. "Good cause" includes, but is not limited to, the following: (1) the desired good or service is available from one source only, (2) the time frame required is such that an expedient purchase is in the best interest

of the agency, or (3) a showing that a requirement or provision of a rule should be waived because the requirement or provision would likely result in an unintended, undesirable, or adverse consequence or outcome. An example of good cause for a waiver is when a contract duration period of longer than six years is more economically or operationally feasible than a six-year contract in light of the service being purchased by the state agency.

[ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 5391C, IAB 1/13/21, effective 2/17/21]

These rules are intended to implement Iowa Code sections 8A.201 to 8A.203, 8A.206, 8A.207, 8A.301, 8A.302, 8A.311, 8A.341 to 8A.344, 73.1 and 73.2.

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[Filed ARC 3676C (Notice ARC 3574C, IAB 1/17/18), IAB 3/14/18, effective 4/18/18]

[Filed ARC 4097C (Notice ARC 3966C, IAB 8/29/18), IAB 10/24/18, effective 11/28/18]

[Filed ARC 4134C (Notice ARC 4021C, IAB 9/26/18), IAB 11/21/18, effective 12/26/18]

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[Filed ARC 4845C (Notice ARC 4735C, IAB 11/6/19), IAB 1/1/20, effective 2/5/20]

[Filed ARC 5391C (Notice ARC 5243C, IAB 11/4/20), IAB 1/13/21, effective 2/17/21]

[Filed ARC 6263C (Notice ARC 6162C, IAB 1/26/22), IAB 3/23/22, effective 4/27/22]

[Filed ARC 9355C (Notice ARC 8776C, IAB 1/8/25), IAB 6/11/25, effective 7/16/25]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 7/27/88, Agriculture Department[30]]

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CHAPTER 2
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[Prior to 7/27/88, 21—1.8(159) and 21—1.9(159)]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

21—6.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)” insert “department of agriculture and land stewardship”.

21—6.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

21—6.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 6.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. Unless otherwise stated, the authority for this department to maintain the record is provided by Iowa Code chapter 159. The record systems maintained by the agency are:

6.14(1) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. This material includes personally identifiable information such as name, address, social security number and employee payroll number. Some of this information is confidential under Iowa Code section 22.7(11). These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

6.14(2) 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 which 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

6.14(3) *Contested case matters.* These records are collected and maintained pursuant to Iowa Code sections 17A.3(1)“d,”17A.3(2), 17A.12, and Iowa Code chapters and sections noted in subrules 6.14(4) and 6.14(5). Contested case matters include all pleadings, motions, briefs, orders, transcripts, exhibits, and physical evidence utilized in the resolution of the matter. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

6.14(4) *Licensure, permit or certification records.* The department regulates by license, permit, or certification a number of agriculture-related practices, under various chapters of the Iowa Code. Licensing records generally include, but are not limited to, information identifying the licensee by name, location, and form of business entity, including the names of corporate principals. Examination and compliance reports may be included in the license records. These records may include confidential information protected from disclosure under Iowa Code section 22.7(3), 22.7(6), or 22.7(18). These licensing records include but are not limited to:

a. Animal industry. Under Iowa Code chapters 163, 163A, 164, 165, 166C, 169A, and 172B, the department maintains records regarding regulation of animal health, including, but not limited to: calfhood vaccination tags, filed under the name of the administering veterinarian, identified by code, or for some disease vaccinations, by name or code of herd owner; swine and cattle approved premises, license filed by county and premises number, identified by owner’s name or code; livestock market and agents and livestock dealers and agents, license identified by name or code; quarantine orders, identified by herd owner’s name or code; bull breeder’s license, identified by owner’s name or code; livestock importation certificates, identified by name or code of Iowa purchaser; slaughter affidavits, identified by herd owner’s name or code; brand certificates, identified by owner’s name or code; large and small animal health certificates, identified by owner’s name or code.

Under Iowa Code chapter 162, the department maintains records regarding the regulation of animal welfare, including, but not limited to: state kennel licenses or federal registrations, identified by owner’s name or code; state pound certification or federal registrations, identified by owner’s name or code; state shelter certification or federal registration, identified by owner’s name or code; dealer’s license or federal registration, identified by name or code.

Under Iowa Code chapters 189 and 189A, the department maintains records regarding the regulation of meat and poultry, including but not limited to: licensing of meat or poultry processing plants, identified by plant owner’s name or code; registration of labeling, formulation, and processing procedures, identified by plant owner’s name or code; inedible permits, identified by plant owner’s name or code.

Under Iowa Code chapter 169, the department maintains jointly with the board of veterinary medicine records regarding the licensure of veterinarians and animal technicians, identified by name or code. In addition to general provisions, these records may include information deemed confidential under Iowa Code section 272C.6.

These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

b. Grain warehousing. Under Iowa Code chapters 203, 203A, and 203C, the department maintains records regarding the licensure of grain dealers, grain bargaining agents, grain sellers, and grain warehouses, identified by licensee’s name or code. These files may contain information which is confidential under Iowa Code section 22.7(12), 203.16, or 203C.24, specifically including financial statements. Files cross-referenced by licensee name or code include receivership files and indemnity fund claim files, which records identify both the licensee and the names of claimants against the licensee. The latter records are maintained jointly with the grain indemnity fund board. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

c. Dairy products. Under Iowa Code chapters 189, 190, 190A, 191, 192, 194, and 195, the department maintains records regarding the regulation of dairy products, including but not limited to: milk plant permit, identified by owner's name or code; grade "A" farm permit, identified by operator's name or code; grade "B" farm permit, identified by operator's name or code; hauler/grader license, identified by person's name or code; tester license, identified by person's name or code; milk truck license, identified by owner's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

d. Horse and dog breeding. Under Iowa Code section 99D.22, the department maintains records regarding the registration of Iowa-foaled horses and Iowa-whelped dogs, including but not limited to: Iowa stallion eligibility certificate, identified by owner's name or code; brood mare registration, identified by owner's name or code; Iowa-foaled horse certification, identified by breeder's name or code; Iowa-whelped litter registration, identified by breeder's name or code; Iowa-whelped individual registration, identified by owner's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

e. Weights and measures. Under Iowa Code chapters 208A, 212, 214, 214A, 215, and 215A, the department maintains records regarding the regulation of weights and measures, including but not limited to: antifreeze permit, identified by manufacturer's name or code; public scale license, identified by owner's name or code; service agency's bond, identified by person's name or code; servicer's license, identified by person's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

f. Pesticides. Under Iowa Code chapter 206, the department maintains records regarding the regulation of pesticide use, including but not limited to: commercial pesticide applicator licenses and certifications, identified by person's name or code; private pesticide applicator certification, identified by person's name or code; pesticide product registration, identified by distributor's name or code; pesticide dealer licenses, identified by person's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

g. Fertilizer. Under Iowa Code chapters 200 and 201, the department maintains records regarding the regulation of fertilizer use, including but not limited to: fertilizer dealer license, identified by person's name or code; registration of bulk fertilizer, identified by manufacturer's name or code; registration of fertilizer sold in packages of 25 pounds or less, identified by manufacturer's name or code; agricultural limestone license, identified by operator's name or code; fertilizer inspection fee report, identified by manufacturer's name or code; groundwater protection fee report, identified by manufacturer's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

h. Seed. Under Iowa Code chapter 199, the department maintains records regarding agricultural seeds, including but not limited to: seed permit, identified by person's name or code; seed permit holder's bond, identified by person's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

i. Feed. Under Iowa Code chapter 198, the department maintains records regarding commercial feed, including but not limited to: feed facility registration, identified by manufacturer's name or code; feed manufacturer's product registration (10 pounds or less), identified by manufacturer's name or code; feed manufacturer's product registration (exceeding 10 pounds or in bulk), identified by manufacturer's name or code; semiannual commercial feed tonnage report, identified by manufacturer's name or code; commercial feed tonnage reports, identified by manufacturer's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

j. Mines and minerals. Under Iowa Code chapters 207 and 208, the department, jointly with the state soil conservation committee, maintains records regarding mines and minerals, including but not limited to: licensed mine operators, identified by operator's name or code; registered mine sites, identified by operator's name or code; permitted coal mine sites, identified by operator's name or code; coal exploration permits, identified by operator's name or code. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

6.14(5) *Nonlicensee investigations and records.* The department has general authority in various areas to regulate agriculture-related practices without the necessity of license issuance. The investigations may be part of a criminal prosecution, and therefore records may be confidential under Iowa Code section 22.7(4). Other reports may be confidential under Iowa Code section 22.7(3), 22.7(6) or 22.7(18). These records will be identified by the name of the subject of the investigation or report. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system. These records include but are not limited to:

- a. Apiary investigations pursuant to Iowa Code chapter 160.
- b. Soybean assessment audits, soybean first buyer report, pursuant to Iowa Code chapter 185.
- c. Corn assessment audits, corn promotion board remittance report, pursuant to Iowa Code chapter 185C.
- d. Dairy trade practices price lists, permit fees, pursuant to Iowa Code chapter 192A, confidential pursuant to Iowa Code sections 22.7(6) and 192A.7.
- e. Pesticide residue analysis, pursuant to Iowa Code chapter 206.

6.14(6) *Laboratory reports.* In furtherance of license or nonlicense regulation of subject areas under subrules 6.14(4) and 6.14(5), the department may prepare laboratory reports consisting of analytical results of samples. These records may include confidential information protected from disclosure under Iowa Code section 22.7(3), 22.7(6), or 22.7(18). These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system. These records are identified by the name of the subject of the investigation.

6.14(7) *Grant or loan records.* Under Iowa Code chapters 161A and 161B, the soil conservation division of the department maintains records regarding grants and cost-sharing programs, identifying the name of the recipient or applicant. These records are jointly maintained by the division and the state soil conservation committee. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

Under Iowa Code chapter 175, the staff of the agricultural development authority, within the department, maintain records regarding the issuance of bonds and underwriting of loans, identified by the name of the recipient or applicant. These records are jointly maintained by the department and the agricultural development authority. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

21—6.15(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 6.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in rule 6.13(17A,22). The records listed may contain information about individuals.

6.15(1) Administrative records. This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

6.15(2) Publications. The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

6.15(3) Office publications. This office issues a variety of materials consisting of brochures and pamphlets, press releases, and statistical reports, including but not limited to: crop and weather reports issued by the state climatologist's office; livestock and crop farm reports; sheep newsletter.

6.15(4) Rule-making records. Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

6.15(5) Office manuals. Information in office manuals may be confidential under Iowa Code section 17A.2(7) "f" or other applicable provision of law.

6.15(6) Cooperative agreements. The state has entered into cooperative agreements with the United States Department of Agriculture regarding various agricultural practices, including but not limited to warehouse inspection, agricultural statistics, and animal welfare enforcement.

6.15(7) Board, committee, council and commission records. Agendas, minutes, and materials prepared or maintained by the department or various divisions or bureaus of the department are available from the office, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Board, committee, council and commission records contain information about people who participate in meetings. These entities include both statutory entities, such as the state soil conservation committee, the grain indemnity fund board, the veterinary medicine board, and the agricultural development authority, and voluntary advisory committees, such as the feed advisory committee, the pesticide advisory committee, and the agricultural energy management advisory council. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

6.15(8) General soil conservation records. Soil conservation district information, including directory of commissioners, soil surveys, watershed program records, water resource district records, and other program information is maintained jointly by the division of soil conservation and the state soil conservation committee pursuant to Iowa Code chapters 161A and 161B.

6.15(9) General marketing records. Lists of commodity producers, lists of hay and straw producers, an agricultural export directory, lists of farmers' markets, and other forms of marketing information are maintained and made available to the public pursuant to Iowa Code section 159.20.

6.15(10) All other records that are not exempted from disclosure by law.

21—6.16(17A,22) Data processing systems. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

21—6.17(159,252J,272D) Release of confidential licensing information for collection purposes.

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A, 22, 159, 252J and 272D.

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 8
WAIVER OF RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
Reserved

CHAPTER 10
RURAL REVITALIZATION PROGRAM
[Prior to 7/27/88, see 21—Ch 56]
Rescinded IAB 2/9/00, effective 3/15/00

CHAPTER 11
APPLE GRADING
Rescinded IAB 2/9/00, effective 3/15/00

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]

[Renamed Soil Conservation Division[27] under the Agriculture and
Land Stewardship Department[21] “umbrella”]
[Renamed Soil Conservation and Water Quality Division[27] pursuant to
2015 Iowa Acts, House File 634]

DIVISION 1 *SOIL CONSERVATION DIVISION*

CHAPTER 1

REGIONS OF REPRESENTATION FOR STATE SOIL CONSERVATION AND WATER QUALITY COMMITTEE FARMER MEMBERS

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Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

61—2.1(17A,22) Definitions. As used in this chapter:

“*Agency*” means the attorney general.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the attorney general, or a person lawfully delegated authority by the attorney general to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

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

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

61—2.2(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.4(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.7(17A,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.8(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—2.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 2.2(17A,22). Unless otherwise stated, the authority for this office to maintain the record is provided by Iowa Code chapter 13, the statutes governing the subject matter of the record, and the enabling statutes of the agency client, where applicable. Because this office primarily acts as an attorney for the state, its officers and agencies, almost all record categories contain information which is confidential as attorney work product or attorney-client communications. Those privileges may render some or all of the following information confidential whether or not asserted in the description of the record. The record systems maintained by the agency are:

2.14(1) *Escheats to the state.* Records concerning possible escheats to the state under Iowa Code sections 633.543 to 633.546. These records consist primarily of court records and correspondence concerning estates. This office advises the department of revenue, which maintains the original records.

2.14(2) *Litigation files.* These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include pleadings, briefs, depositions, discovery material, docket sheets, documents, general correspondence, attorney-client correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. Most of these records are paper files. However, some case management records and other records are in computer form. The files are generally maintained by division and are commonly indexed by the name of the opposing party. Some files are indexed by subject matter, witness, agency, or other category. The files contain materials which 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

2.14(3) *Criminal data.* Information pertaining to criminal investigations and charges and criminal history and intelligence data is confidential under Iowa Code sections 692.3, 692.8, 692.18. This office has records concerning criminal cases and investigations as a result of prosecutions brought by the area prosecutor's division, appeals by the criminal appeals division, advice to the department of public safety, and other law enforcement functions of the attorney general. Peace officer investigative reports containing criminal investigative data are confidential under Iowa Code section 22.7(5), prior to and following the filing of a charge, except as otherwise ordered by the court. Investigative information obtained through grand jury proceedings or pursuant to a prosecuting attorney's subpoena is confidential under Iowa Rules of Criminal Procedure 3, 4, and 5(6). Confidential informant information is protected under Iowa Code section 22.7(18). Minutes of testimony or evidence attached to an indictment or trial information are not open to inspection by any person other than the court, the prosecuting attorney, or the defendant and defendant's counsel under Rule 4(6)(b). Constitutional restraints, statutes, the Rules of Criminal Procedure, the Iowa Code of Professional Responsibility, and the American Bar Association Standards on pretrial publicity further restrict dissemination of investigative information in criminal cases prior to or during the course of a criminal trial proceeding.

Except as noted above, the charging document and pleadings filed in criminal cases are public records. Copies may be obtained from the clerk of the appropriate court where the official record of the proceeding is maintained.

2.14(4) *Other investigative files.* This office from time to time conducts investigations for a variety of purposes other than enforcement of criminal statutes. Investigative materials are subject to any applicable confidentiality requirements and may be confidential as attorney work product.

2.14(5) *Attorney advice records.* Attorneys in many divisions represent state agencies and officers as well as provide advice to state agencies and officers on a variety of topics. In the course of this representation this office compiles records from those agencies and creates records. These files may contain legal research, attorneys' notes, attorney advice, investigative materials, etc. Attorney advice files often overlap with litigation files. Much of this information is confidential as attorney work product or attorney-client communication. Some of it may also be confidential under other law governing dissemination of the subject matter or governing access to the agency records in question. Some of these files may be retrieved by the names of individuals in division files; the files may have information concerning individuals who are involved in the legal matter. Most of the records are in paper form; some are stored in computerized form.

2.14(6) *Antitrust investigations.* The special litigation division has records of investigations of alleged violations of Iowa Code chapter 533 or other antitrust laws. Information obtained in an investigation under Iowa Code section 533.9 is confidential as provided in that section. These files may also contain attorney notes and memos protected as attorney work product. Pleadings may be obtained from appropriate clerk of court.

2.14(7) *Claim files.* The tort claims division maintains files of general claims against the state, tort claims, and highway claims. The transportation division maintains files of claims against the department of transportation. These files are maintained pursuant to Iowa Code chapters 25 and 669. The files are retrievable by number or name of the claimant. These files contain information which is confidential as attorney work product and attorney-client communications and may contain information which is confidential under other applicable provisions of law. Those matters within the files which are open for public inspection are copies of records within the possession of the state appeal board. Requests to examine and copy claim records would generally be referred to the executive secretary of the state appeal board who maintains the official record.

2.14(8) *Consumer protection division and farm division complaints files.* These files contain consumer complaints, investigations, responses from businesses, correspondence, and other materials. The complaints themselves, including but not limited to consumer credit code complaints under Iowa Code chapter 537, and inquiries concerning complaints are open records. Some responses and information received during a potential investigation, investigation, or litigation may be confidential under Iowa Code sections 22.7(3), 22.7(6), 22.7(18), and 622.11. Work product of an attorney or an investigator at an attorney's direction is considered to be confidential work product. The name or identity of a person whose acts or conduct the administrator of the consumer credit code investigates pursuant to Iowa Code section 537.6106, and the facts disclosed in the investigation, are confidential under Iowa Code section 537.6106(4). Criminal history or intelligence data contained in a file is confidential under Iowa Code sections 22.7(5), 692.13, and 692.18.

2.14(9) *Consumer protection and farm division database files.* Some of the information in complaint files is also contained on a computer database for investigative purposes pursuant to the consumer fraud Act, Iowa Code section 714.16. This serves as a means of organizing information on particular problem areas into a readily accessible format. The information can be retrieved by name of the consumer or respondent or by subject matter of the complaint. The records are subject to the same confidentiality provisions as are complaint files.

2.14(10) *Records.* State of Iowa files are a subpart of the complaint file system and contain general information on an individual or business including correspondence, investigative information, agency subpoenas, demands for information and responses. Work product information contained in the state of Iowa file is considered confidential. The records are subject to the same confidentiality provisions as are complaint files.

2.14(11) *Consumer protection and farm division investigative records.* The consumer protection division and farm division participate with the Federal Trade Commission, the United States Postal Service and other state attorneys general offices in sharing investigative information. The information

is computerized and indexed by the name of the business or individual who is under investigation. The agencies who participate in these information exchange programs do so pursuant to agreements whereby the information is kept confidential. The records are confidential pursuant to Iowa Code sections 22.7(4) and 22.9. The attorney general's office has determined that the viability and utility of these information-sharing systems depend, in part, on the willingness of the Federal Trade Commission and United States Postal Service to participate. Neither of those agencies of the federal government would participate in the information-sharing program unless the confidentiality of the data was maintained. In order, therefore, to prevent the denial of services and information provided by these agencies, the information will be kept confidential and any requirements to the contrary in Iowa Code chapter 22 must be waived as provided in Iowa Code section 22.9.

2.14(12) *Human services monetary collections records.* The human services division maintains on behalf of the Iowa department of human services monetary collection files which contain correspondence, settlement, litigation, and collection records. Collections files for medical subrogation/Title XIX contain information relative to Title XIX medical assistance claims paid on behalf of a recipient, including printouts, copies of claims, correspondence and pleadings regarding personal injury lawsuits; this information is collected under Iowa Code section 249A.6 and chapter 13 and is confidential under Iowa Code section 217.30. Collections files for mental health institutes contain information relative to treatment and counseling on an outpatient self-pay basis. The information is confidential under Iowa Code sections 22.7(2), 217.30, 229.24, and 229.25, and chapter 228. Hospital schools collection records contain similar information about individuals and are confidential under Iowa Code sections 22.7(2), 217.30, and 218.22, and chapter 228. Veterans home collections files contain information relating to patient treatment, residency, financial qualifications, and contracts. The information is confidential under Iowa Code sections 22.7(2), 217.30, and 218.22. Some records are also confidential as work product or attorney-client communications. Personally identifiable information about mental health institutes, hospital schools, and veterans home patients is collected under the authority of Iowa Code sections 218.1 and 218.21, and chapter 13. This information is stored in paper form.

2.14(13) *Personnel files.* The department and individual divisions maintain files containing information about employees and applicants for positions with the agency. The files contain payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information may be confidential under Iowa Code sections 22.7(11) and 22.7(18). The transportation division personnel records for former employees after one year are transferred to the department of transportation human resources bureau. Personnel records are stored in both paper and computerized form.

2.14(14) *Child support recovery records.* Attorneys assigned to the child support recovery unit of the department of human services maintain records necessary for the performance of legal services for the child support recovery program, the enforcement of laws for the recovery of child support from responsible relatives, and the supervision of county attorneys in the recovery of child support. These records are confidential under Iowa Code sections 217.30, 252B.9 and as attorney work product and attorney-client communications.

2.14(15) *Sharing of information with child support recovery unit.* Notwithstanding any statutory confidentiality provision, the attorney general may share information with the child support recovery unit through manual or automated means for the sole purpose of identifying registrants or applicants subject to enforcement under Iowa Code chapter 13C, 252J or 557B.

61—2.15(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 2.1(17A,22). The records listed may contain information about individuals. Unless otherwise designated, the authority for this office to maintain the record is provided by Iowa Code chapter 13, the statutes governing the subject matter of the record, and the enabling statutes of the agency client, where applicable. Because this office primarily acts as an attorney for

the state, its officers, and agencies, almost all record categories contain information which is confidential as attorney work product or attorney-client communications. Those privileges or other provisions of law may render some or all of the following information confidential whether or not asserted in the description of the record. All records are stored both on paper and in automated data processing systems unless otherwise noted.

2.15(1) *Opinions of the attorney general.* Official opinions of the attorney general are available to the public. A card index is maintained by subject and by Iowa Code section. Various legal publications provide citations to these opinions. Formal opinions are published in full every two years in the Report of the Attorney General. Summaries of letter opinions are also published.

2.15(2) *Consumer credit code advice letters.* The attorney general has designated the head of the consumer protection division the administrator of the consumer credit code under Iowa Code chapter 537. The deputy administrator, an attorney in that division, has authority to issue advisory letters interpreting the consumer credit code as provided in Iowa Code section 537.6104(1)“d.” These advisory letters are stored and indexed by number, name of requester, name of business, and subject or issue. These letters are regularly provided to persons inquiring about similar issues. Copies may be obtained by contacting the Consumer Credit Code Administrator, Attorney General’s Office, Second Floor, Hoover State Office Building, Des Moines, Iowa 50319, (515)281-5926.

2.15(3) *Legal research and form files.* Various divisions maintain files on legal issues which may recur. These files include copies of cases and other published materials as well as attorney memoranda, notes, and briefs. Divisions also often maintain form pleadings which may contain attorney notes for use in drafting pleadings, contracts, etc., in future cases. The files contain information which is confidential as attorney work product or attorney-client communications or is confidential under other applicable provisions of law. The compilation of these materials as well as the individual materials may be privileged as attorney work product.

2.15(4) *Collections of documents generated by individual attorneys.* Several divisions maintain a chronological collection of all correspondence, pleadings, briefs, etc., produced by each attorney. Some of this information is confidential as attorney work product or attorney-client communication or by virtue of other applicable law.

2.15(5) *Citizen inquiry and response files.* Many people write this office on a variety of governmental problems or legal issues. The office does not generally provide legal advice to individuals but may provide general information.

2.15(6) *Consumer protection division membership campground licensing files.* Under Iowa Code chapter 557B, membership campground operators must register annually with this office. The applications and correspondence concern the requirements provided in Iowa Code chapter 557B and Iowa Administrative Code 61—Chapter 25. The records, which are retrieved by name of the applicant or registrant, are generally open to the public but may contain attorney work product or confidential communication under Iowa Code sections 22.7(3), 22.7(4), 22.7(6), and 22.7(18).

2.15(7) *Consumer protection division trade and vocational schools registration records.* Under Iowa Code sections 714.18 to 714.22, trade and vocational schools register with this office. The files contain information about whether the applicants meet the registration requirements or are exempt. These files are generally open but may contain attorney work product and information which is confidential under Iowa Code sections 22.7(3), 22.7(4), 22.7(6), and 22.7(18).

2.15(8) *Title opinions and title vesting certificates.* The environmental division maintains a file on all title opinions and title vesting certificates issued regarding the department of natural resources and certain other departments.

2.15(9) *Administrative records.* This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

2.15(10) *Publications.* The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

2.15(11) *Office publications.* This office issues a variety of materials including consumer and farm brochures and pamphlets, press releases, statistical reports, Iowa Criminal Law Bulletin, Iowa Criminal Law Handbook and Updates.

2.15(12) *Litigation control dockets.* The office maintains a chronological list of pleadings for each litigation file. These records are generally open to the public.

2.15(13) *Rule-making records.* Official documents executed during the promulgation of agency rules and public comments are available for public inspection.

2.15(14) *Consumer protection division investigative hearing records.* These are records of any hearings which may be held pursuant to Iowa Code section 714.16(4)“a.” Records of these hearings are open except to the extent that they may constitute work product.

2.15(15) *Office manuals.* Information in office manuals such as the Consumer Division Complaint Assignment Book may be confidential under Iowa Code section 17A.2(7)“f” or other applicable provision of law.

2.15(16) *Records concerning charitable trusts.* Under Iowa Code section 633.303 this office may exercise oversight functions over charitable trusts. These files concern such matters as litigation to which the state or this office is a party, review and approval of annual reports, requests for orders regarding trust administration, and correspondence with trust attorneys, trustees, or otherwise. Some of this information is confidential as attorney work product. Litigation records are further discussed in subrule 2.14(2).

2.15(17) *All other records.* Records are open if not exempted from disclosure by law.

61—2.16(17A,22) Data processing systems. None of the data processing systems used by the agency compare personally identifiable information in one record system with personally identifiable information in another record system.

61—2.17(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 11/12/96, Notice 8/28/96—published 12/4/96, effective 1/8/97]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 10
ORGANIZATION AND POWERS
OF THE IOWA CONSUMER CREDIT ADMINISTRATOR

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

61—10.1(537) Authority for and division of rules. The following rules of organization and operation are adopted to describe the organization and practice of the administrator of the Iowa consumer credit code, Iowa Code chapter 537 and to otherwise implement the Iowa consumer credit code.

10.1(1) *The consumer credit code administrator.* Subject to the express provisions of Iowa Code sections 537.6106 and 537.6108, the consumer credit code administrator shall be the attorney general or an assistant attorney general who shall be designated by the attorney general to serve as the consumer credit code administrator under the control of the attorney general. A power or duty under the Iowa consumer credit code reserved solely to the attorney general shall be so indicated by use of the term “attorney general.”

10.1(2) *Function.* The division head of the consumer protection division is the attorney general’s designee, who, except where a power or duty is reserved to the attorney general, may act as administrator of the Iowa consumer credit code in implementing, administering and enforcing the Iowa consumer credit code.

10.1(3) *Location.* The office of the administrator of the Iowa consumer credit code is located in the Hoover State Office Building, Second Floor, 1300 East Walnut, Des Moines, Iowa 50319; telephone (515)281-5926. Office hours are 8 a.m. to 4:30 p.m., Monday to Friday.

10.1(4) *Deputy consumer credit code administrator.* The attorney general may appoint an individual as deputy consumer credit code administrator who shall serve under the control of the attorney general. If the office of the consumer credit code administrator is vacant or if the consumer credit code administrator is absent or unable to act, the deputy consumer credit code administrator shall be the acting administrator.

10.1(5) *Other personnel.* The consumer credit code administrator or the deputy consumer credit code administrator when serving as acting administrator may appoint additional employees as are necessary to perform the duties imposed by law upon the consumer credit code administrator.

61—10.2(22,537,17A) Open records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

61—10.3(17A) Forms. Any forms prescribed by the consumer credit code administrator for use by the public in its dealings with the administrator are available to the public at the consumer credit code administrator’s office without charge or may be obtained by writing to or calling the administrator of the consumer credit code. The following form may be used by the public:

Complaint form. This is a form currently used by the consumer protection division of the office of the attorney general. The form requests the name and address of the complainant and respondent and any pertinent facts concerning the complaint. Except where requested by the consumer credit code administrator, a letter containing the above information can be used instead of this form.

61—10.4(537,17A) Information. Information regarding the Iowa consumer credit code may be obtained by making a request to the consumer credit code administrator in writing, by telephone or in person. Requests should state with as much specificity as possible the legal issue(s) and the Iowa consumer credit code sections regarding which interpretation or information is sought. The consumer credit code administrator retains discretion to deny any request for advice when appropriate. Requesters should advise the consumer credit code administrator if the request involves issues which are pending in litigation. The consumer credit code administrator may respond either orally or in writing to informal requests for information. Responses of the consumer credit code administrator under this rule are for information only and are not binding upon the consumer credit code administrator.

61—10.5(537,17A) Complaints. Complaints of alleged violations of any provision of the Iowa consumer credit code may be made to the office of the consumer credit code administrator either orally or in writing and need not be in any particular form. However, the consumer credit code administrator may, as a matter of discretion, require a complainant to submit information on a form prescribed by the consumer credit code administrator if it appears that the complaint involves significant factual detail or if the consumer credit code administrator determines for any other reason that a formal complaint would aid the consumer credit code administrator in handling the complaint. The consumer credit code administrator may dispose of a complaint by correspondence or other informal communication.

Complaints concerning supervised financial organizations. If the consumer credit code administrator receives a complaint concerning a supervised financial organization or supervised loan licensee, the administrator shall, pursuant to Iowa Code section 537.6105(2), inform the agency having supervisory authority over that person or organization.

61—10.6(537,17A) Record of complaints. The consumer credit code administrator shall keep a record of each written complaint received by the consumer credit code administrator that concerns issues under the Iowa consumer credit code. The complaint record shall include the allegations and any actions taken toward resolving the complaint, including any final disposition.

61—10.7(537,17A,22) Investigation. If it appears, upon information brought to the attention of the consumer credit code administrator, that a person has engaged in conduct or committed an act or omission in violation of the Iowa consumer credit code, the administrator may, pursuant to Iowa Code sections 537.6105 and 537.6106, begin an investigation to determine whether the conduct is being engaged in, or has been engaged in or committed, and to determine the extent of the violation. The consumer credit code administrator may utilize all investigatory powers available, including those set forth in sections 537.6105 and 537.6106 of the Iowa consumer credit code.

61—10.8(537,17A) Enforcement actions. If the consumer credit code administrator determines that a person is committing or has committed an act or omission in violation of the Iowa consumer credit code, the administrator may:

1. Take one or more of the actions provided for in Iowa Code sections 537.6108 to 537.6113.
2. Take any action the consumer credit code administrator deems appropriate which is designed to obtain voluntary compliance with the Iowa consumer credit code.
3. Take any other action which is authorized by the Iowa consumer credit code, or take no action, as the consumer credit code administrator deems appropriate.

These rules are intended to implement Iowa Code chapters 537, 17A, 13 and 22.

[Filed 6/14/85, Notice 5/8/85—published 7/3/85, effective 8/7/85]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 11

IOWA CONSUMER CREDIT CODE RULE-MAKING PROCEDURES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12

IOWA CONSUMER CREDIT CODE DECLARATORY RULINGS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 13

Reserved

AUDITOR OF STATE[81]

Editorially transferred from [130] to [81], IAC Supp. 5/6/87
INDUSTRIAL LOAN DIVISION

CHAPTER 1

Reserved

Transferred to Banking Division[187] under the “umbrella” of the Department of Commerce[181]
as Ch 16, IAC Supp. 4/22/87.
SAVINGS AND LOAN DIVISION

CHAPTERS 2 to 13

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Transferred to Savings and Loan Division[197] under the “umbrella” of the Department of
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CHAPTER 20

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CHAPTER 21

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CHAPTER 24

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

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GENERAL DIVISION

CHAPTER 25

ORGANIZATION AND PROCEDURES

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CHAPTER 26

CERTIFICATION OF ACCOUNTING SYSTEMS

26.1(17A,7A)	Application
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CHAPTER 24
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

The auditor of state hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relative to public records and fair information practices which are printed in Volume I of the Iowa Administrative Code:

81—24.1(22) Definitions. As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “auditor of state”.

81—24.3(22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.6(22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.9(22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.10(22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.11(22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.12(22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.13(22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—24.14(22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in 24.2(22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

24.14(1) *Personnel files.* Employee personnel files containing information relative to an individual's employment history, such as hiring and recruitment correspondence, salary and payroll and benefit information, record of personnel actions, military status, affirmative action statistics, education and training completed, professional certification achievements, professional organizational involvement, independence statements, performance evaluation reports, personal information data and so on.

These records contain personally identifiable information, collected under the authority of Iowa Code section 19A.11. The information is maintained on paper and certain parts are also contained on the agency's data processing system as well as the state's mainframe automated data processing system. Personal information in employee personnel files is confidential under the authority of Iowa Code section 22.7(11).

24.14(2) *Payroll records.* Records showing individual earnings, hours worked, leave usage, class, position, salary range, deductions, net pay with agency summaries, and other related information.

These records contain personally identifiable information, collected under the authority of Iowa Code section 91A.6. The information is maintained on paper with certain records maintained on the state's payroll automated data processing system. Certain information contained in these records is confidential under the authority of Iowa Code section 22.7(11).

The information cited in subrules 24.14(1) and 24.14(2) above can be compared between record systems to a limited extent.

24.14(3) *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 which 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

81—24.15(22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in 24.2(22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in 24.13(22). In addition, the records listed in 24.15(1) to 24.15(3) may contain information about individuals; however, these records are not retrieved by the name of the individual. All records are stored both on paper and in automated data processing systems unless otherwise noted.

24.15(1) *Published audit reports.* Audit reports and supporting working papers may contain information about individuals working for or doing business with the subject of the audit report. This information is collected pursuant to Iowa Code section 11.4. These reports and working papers are stored both on paper and microfiche records.

24.15(2) *Rule-making records.* Rule-making records may contain information about individuals making written or oral comment on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

24.15(3) *Publications.* Project reports, agency newsletters, brochures, etc., may contain information about individuals, including agency staff or members of agency committees. This information is not stored in an automated data processing system.

24.15(4) *Published materials.* The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

24.15(5) *Agency employees' handbook.* The agency employees' handbook does not contain information about individuals.

24.15(6) *Other records.* All other records that are not exempted from disclosure by law.

81—24.16(22) Data processing systems. All data processing systems used by the agency for record systems described in 24.14(22) may permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

81—24.17(22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/29/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

GENERAL DIVISION

CHAPTER 25

ORGANIZATION AND PROCEDURES

[Originally Ch 10, renumbered Ch 25 IAC 2/4/81]

[Prior to 5/6/87, see Auditor of State[130], ch 25]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

81—25.1(17A,11) Auditor of state. The auditor of state is a constitutional officer of the state of Iowa, as provided by Article IV, Section 22 of the Constitution of Iowa, as amended in 1972 which provides for the election of the auditor of state by the electorate of Iowa.

81—25.2(17A,11) Duties of auditor. The rights, duties and responsibilities of the auditor of state are prescribed by Iowa Code chapter 11.

81—25.3(17A,11) Location of office. The offices of the auditor of state of Iowa are located at the seat of government at Des Moines, Iowa 50319, and are available to the public during prescribed office hours 8 a.m. to 4:30 p.m., Monday through Friday, or by special appointment in cases of necessity.

81—25.4(17A,11) Distribution of duties. The office of auditor of state has three principal divisions, namely:

25.4(1) The administrative division, under the direct control of the auditor of state, assisted by a deputy and administrative assistants, which exercises control and supervision of all activities of the auditor's office.

25.4(2) The financial audit division, supervised and directed by a deputy appointed by the auditor of state, which is charged with the responsibilities of annual audit of all agencies of the state receiving or expending state funds, as well as audits of local governments such as counties, cities and schools as provided by statute. This division also performs reaudits and provides technical assistance to private citizens, CPA firms, government officials and other governmental agencies.

25.4(3) The performance investigation division, directed by a supervisor appointed by the auditor of state, which is charged with the responsibilities of conducting performance audits of state agencies, investigating suspected embezzlements, and conducting special studies as provided by statute.

[ARC 4245C, IAB 1/16/19, effective 2/20/19]

81—25.5(17A,11) Savings and loan associations. Rescinded ARC 4245C, IAB 1/16/19, effective 2/20/19.

81—25.6(17A,11) Industrial loan companies. Rescinded ARC 4245C, IAB 1/16/19, effective 2/20/19.

81—25.7(17A,11) Staffing. Each of the divisions and agencies of the auditor's office is staffed by auditors and assistants appointed by the auditor of state, as provided for by Iowa Code section 11.31, and other personnel necessary to fulfill the requirements of the auditor's office.

[ARC 4245C, IAB 1/16/19, effective 2/20/19]

81—25.8(17A,11) Annual audit. The statutes of Iowa provide for annual audit of all state offices and departments of the state and the counties and cities and city offices, merged areas and educational agencies and all school districts and school offices except that cities having a population of less than 2,000 shall be examined as otherwise provided.

[ARC 4245C, IAB 1/16/19, effective 2/20/19]

81—25.9(17A,11) Reports of audit. Verified reports of audit are filed at the office of the auditor of state, with the officer or agency audited, the county auditor and board of supervisors of the county audited and the mayor and council of a city audited and with the superintendent and directors of all schools involved.

25.9(1) All reports of audit are open to public inspection after publication and filing by the auditor. A limited number of copies of reports of audit are available to the public and news media.

25.9(2) Preliminary information of investigations or audit are not disclosed except as provided by law. There is to be no disclosure of results of investigation or report of audit until after the officer or agency involved has been notified and furnished a verified copy of such audit. Reports of audit are published by the auditor of state by forwarding a verified copy thereof to the officer or officers of the agency audited. Notice that a report of audit has been published is forwarded immediately thereafter to each newspaper, radio station and television station located in the county, municipality or school district involved.

81—25.10(17A,11) Declaratory orders. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

81—25.11(17A,11) Informal settlement. Informal settlement of controversies that may culminate in contested cases are encouraged. Parties to a controversy may arrange and consent to a meeting for informal settlement of pending controversy. Arrangements therefor may be petitioned for in writing by either party. The time and place for hearing of petition for informal settlement shall be fixed by the agency involved or by mutual consent of the parties thereto.

81—25.12(17A,11) Change of rules. Rescinded IAB 6/16/99, effective 7/21/99.

[Filed 3/17/76, Notice 2/9/76—published 4/5/76, effective 5/10/76]

[Filed emergency 2/2/79—published 2/21/79, effective 2/2/79]

[Filed emergency 1/16/81—published 2/4/81, effective 1/16/81]

[Filed 5/28/99, Notice 4/7/99—published 6/16/99, effective 7/21/99]

[Filed ARC 4245C (Notice ARC 4125C, IAB 11/21/18), IAB 1/16/19, effective 2/20/19]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 27

AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]

[Prior to 10/8/86, Beef Industry Council, Iowa[145]]

[Prior to 5/24/17, Beef Industry Council, Iowa[101]]

CHAPTER 1**ORGANIZATION AND OPERATION**

- 1.1(181) Composition and purpose
- 1.2(181) Officers
- 1.3(181) Staff
- 1.4(181) Meetings
- 1.5(181) Quorum
- 1.6(181) Actions taken
- 1.7(181) Forms

CHAPTER 2**RULES OF PRACTICE**

- 2.1(181) Public information
- 2.2(181) Informal settlement of controversies

CHAPTER 3**STATE ASSESSMENT ON BEEF SALES**

- 3.1(181) Collection of assessment
- 3.2(181) Refunds
- 3.3(181) Applicable dates
- 3.4(181) Reinstatement of state assessment

CHAPTER 4**ELECTION OF MEMBERS**

- 4.1(181) Nominations by petition
- 4.2(181) Contents of petition
- 4.3(181) Place of filing
- 4.4(181) Absentee ballot

CHAPTER 5**PUBLIC RECORDS AND FAIR INFORMATION PRACTICES**

(Uniform Rules)

- 5.1(17A,22) Definitions
- 5.3 to 5.9 Reserved
- 5.10(17A,22) Personally identifiable information
- 5.11(17A,22) Data processing

CHAPTER 2
RULES OF PRACTICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

101—2.1(181) Public information. The public is invited to obtain information or make informal requests of the council by addressing these matters, either orally or in writing, to the Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010; or at 2055 Ironwood Court, Ames, Iowa 50014.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—2.2(181) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the council or by members of the public, in an informal manner.

2.2(1) In cases of a routine nature, the executive director or chair shall attempt to settle the matter.

2.2(2) In cases not of a routine nature, or in cases in which the efforts of the executive director or chair are unsuccessful, the council itself shall act to resolve the matter.

101—2.3(181) Declaratory rulings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

101—2.4(181) Petition for adoption of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

[Filed 4/11/80, Notice 1/23/80—published 4/30/80, effective 6/4/80]

[Filed ARC 3082C (Notice ARC 2999C, IAB 3/29/17), IAB 5/24/17, effective 6/28/17]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

101—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa beef industry council.

“Cattle” means any live domesticated bovine animal regardless of age.

“Producer” means any person who owns or acquires ownership of cattle in this state. However, a person shall not be considered a producer if any of the following apply:

1. The person’s only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

2. The person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; resold such cattle no later than ten days from the date on which the person acquired ownership; and certified as required by the rules adopted by the executive committee.

“Purchase” occurs when a purchaser enters into a verbal or written agreement with a producer to accept delivery of cattle from the producer.

“Purchaser” means a person who purchases cattle from a producer.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—5.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

101—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

101—5.9(17A,22) Public records; confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

101—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: state assessment remittances identifying individual producers and the amounts remitted, refund requests from producers, and personal information in confidential personnel records. This information is collected pursuant to the authority of Iowa Code chapter 181 and is stored in the office files of the council office. All information contained in the monthly remittance forms, private treaty forms, and refund requests submitted to the agency shall be confidential to the extent provided in Iowa Code section 22.7. Appropriate totals, summaries, aggregations, and other staff analyses of information contained in these files, when presented in a form not containing personally identifiable information, shall be public information.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—5.11(17A,22) Data processing. No data processing system collates or permits 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 section 22.11.

[Filed emergency 9/16/88—published 10/5/88, effective 9/16/88]

[Filed 4/14/89, Notice 10/5/88—published 5/3/89, effective 6/7/89]

[Filed ARC 3082C (Notice ARC 2999C, IAB 3/29/17), IAB 5/24/17, effective 6/28/17]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

BLIND, DEPARTMENT FOR THE[111]

[Prior to 7/1/87, see Commission for the Blind[160] Chs 1 to 10]

The Division for the Blind was created within the Department of Human Rights[421] by 1986 Iowa Acts, chapter 1245

Renamed Department for the Blind, 1988 Iowa Acts, Senate File 2310, sections 29 to 31; section 31 of the Act renumbered sections 601K.121 to 601K.127 as a new chapter.

CHAPTER 1

ADMINISTRATIVE ORGANIZATION AND PROCEDURES

- 1.1(216B) Authority
- 1.2(216B) History and function
- 1.3(216B) Location and information
- 1.4(216B) Definitions
- 1.5(216B) Commission
- 1.6(216B) Director
- 1.7(216B) Divisions
- 1.8(216B) Private association activity of staff
- 1.9(216B) Authorization for use of facilities
- 1.10(216B) Joint activities
- 1.11(216B) Administration of the gifts and bequests fund
- 1.12(216B) Procurement
- 1.13(216B) Department facility operations

CHAPTER 2 PERSONNEL

- 2.1(216B) Qualifications of personnel

CHAPTERS 3 to 5

Reserved

CHAPTER 6

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

- 6.1(216B) Function
- 6.2(216B) Services
- 6.3(216B) Eligibility
- 6.4(216B) Application procedures

CHAPTER 7

BUSINESS ENTERPRISES PROGRAM

- 7.1(216D) History and function
- 7.2(216D) Definitions
- 7.3(216D) State committee of blind vendors
- 7.4(216D) Statewide meeting
- 7.5(216D) Election of committee members
- 7.6(216D) Program selection procedures
- 7.7(216D) Preplacement agreement
- 7.8(216D) Licensure
- 7.9(216D) Licensure by reciprocity or reinstatement
- 7.10(216D) System of transfer or promotion for vendors
- 7.11(216D) Placement and performance evaluation
- 7.12(216D) Operating agreement
- 7.13(216D) Reports
- 7.14(216D) Vending facility inventory
- 7.15(216D) Maintenance and replacement of equipment
- 7.16(216D) Distribution and use of income from vending machines on federal property
- 7.17(216D) Disciplinary action
- 7.18(216D) Access to program information
- 7.19(216D) Confidentiality

7.20(216D) Nondiscrimination

CHAPTER 8

APPEALS PROCESS—BUSINESS ENTERPRISES PROGRAM

8.1(216D) Steps in appeals process
8.2(216D) Full evidentiary hearings

CHAPTER 9

ADULT ORIENTATION AND ADJUSTMENT CENTER

9.1(216B) Function
9.2(216B) Eligibility
9.3(216B) General program policies

CHAPTER 10

VOCATIONAL REHABILITATION SERVICES

10.1(216B) Function
10.2(216B) State plan
10.3(216B) Application procedures
10.4(216B) Eligibility
10.5(216B) Services
10.6(216B) Consideration of comparable services and benefits
10.7(216B) Termination of services
10.8(216B) Dispute resolution process
10.9(216B) Applicant's and eligible individual's rights
10.10(17A) Forms

CHAPTER 11

INDEPENDENT LIVING REHABILITATION SERVICES

11.1(216B) Function
11.2(216B) Services
11.3(216B) State plan
11.4(216B) Application for independent living services for older individuals who are blind
11.5(216B) Eligibility
11.6(216B) Application procedures
11.7(216B) Consideration of comparable services and benefits
11.8(216B) Termination of services
11.9(216B) Dispute resolution process
11.10(216B) Applicant's and eligible individual's rights
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CHAPTER 12

Reserved

CHAPTER 13

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

13.1(17A,22) Definitions
13.2 to 13.12 Reserved
13.13(17A,22) Availability of records
13.14(17A,22) Automated data processing capabilities

CHAPTER 3
DEPARTMENT PROCEDURE FOR RULE MAKING

[Prior to 9/21/88, see Blind, Division for the[423] Ch 3]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
PETITIONS FOR RULE MAKING

[Prior to 7/1/87, see Blind, Commission for[160] rule 3.1]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 4]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DECLARATORY ORDERS

[Prior to 7/1/87, see Blind, Commission for[160] rule 3.2]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12

WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 9/21/88, see Blind, Division for the[423] Ch 13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—13.1(17A,22) Definitions. As used in this chapter:

“*Agency*” in these rules means the department for the blind.

“*Authorization for release of information*” means the form prescribed by the agency for the purpose of authorizing the release of a confidential record, signed and dated by the person empowered to release the information.

“*Case record*” means the file of personally identifiable or confidential information on a client, collected pursuant to the provisions of the Rehabilitation Act of 1973.

“*Client*” means an individual who is applying for or who has applied for, or who is receiving or has received, benefits or services under any agency program.

“*Confidential record*” in these rules means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” in these rules means the agency, or a person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” in these rules means a record other than a confidential record.

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

“*Record*” in these rules means the whole or part of a “public record,” as defined in Iowa Code section 22.1, that is owned by or in the physical possession of this agency.

“*Record system*” in these rules means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

111—13.2(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.4(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.7(17A,22) Authorization for release of information by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.8(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.13(17A,22) Availability of records.

13.13(1) General. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

13.13(2) Confidential records. The following records, categorized by agency program area, shall be held confidential. The statutory authority for confidentiality of each record system is given.

<u>Records</u>	<u>Statutory Authority</u>
ADMINISTRATION	
Central blind registry (c)	Iowa Code section 259.1
Client financial documents	Iowa Code section 259.1
Employment applications	Iowa Code section 22.7(11)
Minutes, closed meetings, commission for the blind	Iowa Code section 21.5(4)
Performance evaluations	Iowa Code section 19A.15
Personnel records	Iowa Code section 19A.15
Personnel attendance records	Iowa Code section 19A.15
Portions of agency staff manuals or indexed general statements of policy when disclosure of the information would: (1) enable law violators to avoid detection; (2) facilitate disregard of requirements imposed by law; or (3) give a clearly improper advantage to persons who are in an adverse position to the agency	Iowa Code sections 17A.2 and 17A.3
Unemployment claims	Iowa Code section 19A.15

ADULT ORIENTATION AND ADJUSTMENT CENTER

Orientation center student information	Iowa 259.1	Code	section
Orientation center student list	Iowa 259.1	Code	section
Orientation center student/alumni data base (c)	Iowa 259.1	Code	section

BUSINESS ENTERPRISE PROGRAM

Closing vendor inventories	Iowa 259.1	Code	section
Individual operator management training records	Iowa 259.1	Code	section
Operator assignment selection records	Iowa 259.1	Code	section
Vendor equipment inventories	Iowa 259.1	Code	section
Vendor financial information	Iowa 259.1	Code	section

INDEPENDENT LIVING REHABILITATION SERVICES

Case records	Iowa 259.1	Code	section
Client case number book	Iowa 259.1	Code	section
Client closure book	Iowa 259.1	Code	section
Client contact itineraries	Iowa 259.1	Code	section
Client master list	Iowa 259.1	Code	section
Client satisfaction survey	Iowa 259.1	Code	section
Library field contact report	Iowa 259.1	Code	section
Field operations staff reports	Iowa 259.1	Code	section

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

American college testing service test materials	Iowa 22.7(19)	Code	section
American printing house for the blind availability inquiries	Iowa 22.7(13)	Code	section

Applications for library service	Iowa Code section 259.1
Book order records	Iowa Code section 22.7(13)
Book transcription completion records	Iowa Code section 22.7(13)
Braille thermoform request records	Iowa Code section 22.7(13)
Circulation records	Iowa Code section 22.7(13)
CMLS microfiche and printout book of library patron records	Iowa Code section 22.7(13)
EI cassette machine pilot project user listing	Iowa Code section 22.7(13)
Hand-thermoformed braille library patron list	Iowa Code section 22.7(13)
Instructional materials center purchase orders	Iowa Code section 22.7(13)
Interlibrary library patron loan records	Iowa Code section 22.7(13)
Iowa basic skills test materials	Iowa Code section 22.7(19)
Iowa federation of women's clubs library patron request records	Iowa Code section 22.7(13)
Iowa Lions bible distribution list	Iowa Code section 22.7(13)
Library patron correspondence	Iowa Code section 22.7(13)
Library patron equipment inventory	Iowa Code section 22.7(13)
Library patron orders, monthly reports	Iowa Code section 22.7(13)
Library patron braille requests and production records	Iowa Code section 22.7(13)
Library patron braille request exchange list	Iowa Code section 22.7(13)
New library patron listing	Iowa Code section 22.7(13)
NLS subscription transaction records	Iowa Code section 22.7(13)
NLS updates on library patron service changes	Iowa Code section 22.7(13)
Out-of-state library patron duplication records	Iowa Code section 22.7(13)
Pioneer service reports	Iowa Code section 22.7(13)

Recording for the blind circulation records	Iowa	Code	section
	22.7(13)		
Tape purchase correspondence	Iowa	Code	section
	22.7(13)		
Textbook tracking materials	Iowa	Code	section
	22.7(13)		

VOCATIONAL REHABILITATION SERVICES

Annual SGA closure list	Iowa	Code	section
	259.1		
Case records	Iowa	Code	section
	259.1		
Certification letters	Iowa	Code	section
	259.1		
Claim and verification requests	Iowa	Code	section
	259.1		
Client contact itineraries	Iowa	Code	section
	259.1		
Client master list	Iowa	Code	section
	259.1		
Client orientation schedule list	Iowa	Code	section
	259.1		
Client satisfaction survey	Iowa	Code	section
	259.1		
Department of personnel braille typing tests	Iowa	Code	section
	19A.15		
Monthly field operations staff reports	Iowa	Code	section
	259.1		
SSA responses to claim & verification requests	Iowa	Code	section
	259.1		

NOTE: (c) indicates information is also stored on a computer database.

13.13(3) *Personally identifiable information.* This subrule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems defined in rule 111—13.1(17A,22). For each record system, this subrule describes the legal authority for the collection of information. These record systems, categorized by agency program area, are:

Records

Legal Authority for Collection

ADMINISTRATION

Accounts payable vouchers	Iowa	Code	section
	259.1		
Central blind registry (c)	Iowa	Code	section
	259.1		

Client financial documents	Iowa 259.1	Code	section
Employment applications	Iowa 19A.15	Code	section
Performance evaluations	Iowa 19A.15	Code	section
Personnel records	Iowa 19A.15	Code	section
Personnel attendance records	Iowa 19A.15	Code	section
Unemployment claims	Iowa 19A.15	Code	section

ADULT ORIENTATION AND ADJUSTMENT CENTER

Orientation center student information	Iowa 259.1	Code	section
Orientation center student list	Iowa 259.1	Code	section
Orientation center student/alumni database (c)	Iowa 259.1	Code	section

BUSINESS ENTERPRISE PROGRAM

Closing vendor inventories	Iowa 259.1	Code	section
Individual operator management training records	Iowa 259.1	Code	section
Operator assignment selection records	Iowa 259.1	Code	section
Vendor equipment inventories	Iowa 259.1	Code	section
Vendor financial information	Iowa 259.1	Code	section

INDEPENDENT LIVING REHABILITATION SERVICES

Case records	Iowa 259.1	Code	section
Client case number book	Iowa 259.1	Code	section
Client closure book	Iowa 259.1	Code	section
Client contact itineraries	Iowa 259.1	Code	section

Client equipment inventory cards	Iowa 259.1	Code	section
Library field contact report	Iowa 259.1	Code	section
Field operations monthly reports	Iowa 259.1	Code	section

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

American printing house for the blind library patron availability inquiries	Iowa 216B.3	Code	section
Applications for library service	Iowa 216B.3	Code	section
Book order records	Iowa 216B.3	Code	section
Book transcription completion records	Iowa 22.7(13)	Code	section
Braille thermoform request records	Iowa 22.7(13)	Code	section
Circulation records	Iowa 216B.3	Code	section
CMLS microfiche and printout book of library patron records	Iowa 216B.3	Code	section
EI cassette machine pilot project user listing	Iowa 216B.3	Code	section
Hand-thermoformed braille library patron list	Iowa 216B.3	Code	section
Instructional materials center purchase orders	Iowa 216B.3	Code	section
Interlibrary library patron loan records	Iowa 216B.3	Code	section
Iowa federation of women's clubs library patron request tracking	Iowa 216B.3	Code	section
Iowa Lions bible distribution list	Iowa 216B.3	Code	section
Library patron correspondence	Iowa 216B.3	Code	section
Library patron equipment inventory	Iowa 216B.3	Code	section
Library patron orders, monthly reports	Iowa 216B.3	Code	section
Library patron braille requests and production records	Iowa 216B.3	Code	section
Library patron braille request exchange list	Iowa 216B.3	Code	section
New library patron listing	Iowa 216B.3	Code	section

NLS subscription transaction records	Iowa 216B.3	Code	section
NLS updates on library patron service changes	Iowa 216B.3	Code	section
Out-of-state library patron duplication records	Iowa 216B.3	Code	section
Pioneer service reports	Iowa 216B.3	Code	section
Recording for the blind circulation records	Iowa 216B.3	Code	section
Tape purchase correspondence	Iowa 216B.3	Code	section
Textbook tracking materials	Iowa 216B.3	Code	section

VOCATIONAL REHABILITATION SERVICES

Annual SGA closure list	Iowa 259.1	Code	section
Case records	Iowa 259.1	Code	section
Certification letters	Iowa 259.1	Code	section
Claim & verification requests	Iowa 259.1	Code	section
Client contact itineraries	Iowa 259.1	Code	section
Client orientation schedule list	Iowa 259.1	Code	section
SSA responses to claim & verification requests	Iowa 259.1	Code	section

NOTE: (c) indicates information is also stored on a computer database.

13.13(4) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law. These record systems, categorized by agency program area, are routinely available to the public. They do not generally contain personally identifiable information or confidential information.

Records

ADMINISTRATION

Acknowledgments of gifts and bequests contributions
 Administrative rules, public docket and rule-making records
 Advisory boards, commissions, associations, committees and task forces: correspondence, minutes and general information
 Aids and appliances, accounts receivable
 Annual reports
 Building blueprints
 Building equipment reference manuals and data

Cooperative agreements
CSAVR, correspondence and general information
Dept. of education, correspondence, fiscal records and general information
Dept. of personnel procedures manual
Employee assistance fund information
Employee handbook
Equipment maintenance agreements
Executive calendar, current and past
Federal financial reports
Federal funds request authorizations
Federal government agencies, correspondence and reports
Film and videotape information
Fire evacuation procedures
Fiscal information on special projects
Forms, indexed
General complaints and criticisms from the public
General letters of appreciation from the public
General requests and inquiries from the public
General statements of agency policy, indexed
Gift law, general information
Iowa head injury committee
Iowa management training system, general information
Job opening announcements
Legislators, listing
Legislative correspondence and general information
Mailing lists
Maintenance work orders (c)
Membership, payment approvals
Minutes, Iowa commission for the blind
Monthly financial reports, dept. of revenue
National council of state agencies for the blind, correspondence and general information
New staff seminar schedules and evaluations
Out-of-state travel authorization requests and approvals
Personnel classifications, job descriptions and pay schedules
Personnel instructional pamphlets
Photographs and resumes, administrator and commission members
Pool/gym agreements
Position description questionnaires
Press releases and news clippings
Private organizations, correspondence and general information
Product safety chemical data sheets
Professional and technical associations, correspondence and general information
Public records docket
Publications
Rehabilitation administrative management program, general information and correspondence
Rehabnet, general information and memos
Rental and lease agreements
Sixtieth anniversary, general information
Staff service certificates
State government agencies, correspondence and reports
State vehicle dispatcher monthly reports

Statements of grant awards
Studies, surveys and proposals
28E agreements
Utility consumption and cost data (c)

BUSINESS ENTERPRISE PROGRAM

Blueprints and equipment layouts
Randolph-Sheppard Act
State plan, Randolph-Sheppard Act
Vendor forms

INDEPENDENT LIVING REHABILITATION SERVICES

CSAVR independent living committee
Deaf-blind register
Grant applications and instructional memos
Independent living advisory committee, general information and minutes
Independent living forms
Independent living procedure memos and schedules
In-service training grant, application and agendas
Part C announcements and reference materials
RCEP training advisory committee, general information and correspondence
Reference materials on alternative techniques
RSA 704 report
RSA 70B report
Special project grant, 1983
State plan for independent living services
Statewide independent living council, general information and minutes
Title VII, part b grant, reports and correspondence

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

Acquisition of bibles, general information
American printing house for the blind federal quota orders
American federation for the blind directory of agencies
APH central automated resource list
Application transfer technique study
Bibliographies, by subject
Bindery tracking records
Book inspection survey
Books proofread for sale, listing
Braille alphabet cards
Braille instruction manuals and sign booklets
Brochures from other libraries for the blind
Card catalog microfilming information
Card catalog uniform entries authority
Card file of print books about blindness
Card file of cassettes processed
Cassette books, number assignment record
Catalog production and master records
Censorship, general information
Circulation, general information
Comprehensive mailing list system (CMLS), general information

Computer installation information
Computer software and software manuals
Copyright clearance records
Deaf-blindness, general information
Diebold repairs, general information
Disabilities, general information
Duplicators, general information
EI cassette instructional video
Eligibility, general information
Equal employment opportunity, general information
Equipment manuals
Forms, inventory and masters (c)
Free matter for the blind and physically handicapped, general information
General library statistics
Guidelines for tapists
Health care facilities in Iowa, listing
Historical collection of uncataloged examples of tactile systems
Instructional materials center, general information
Intention and completion forms for the American printing house for the blind
Iowa computer-assisted network advisory board minutes, 1985
Iowa federated women's clubs, listing
Iowa library directory
Iowa libraries: a time to grow 1985-90 (program planning guide)
Iowa Lions foundation
Large-type format, general information
Lead worker, general information
Library automation report, 1983
Library consumer advisory committee minutes and general information
Library grants
Library materials invoices
Library staff procedures manuals
Logs, various department systems
Machines, general information
Magazine inventory
Magazine transaction merge procedures
Magazines, reference materials on selection, transcription and subscription
Mailing lists
Marantz, general repair information
Modems, general information
Monthly reports on nonusers of library service
National braille association bulletins
NLS availability listings
NLS automation reports
NLS, general correspondence and information
NLS removal authorization documentation
Nonborrower purchase orders
OCR scanners, general information
Postal service, general information
Publication catalogs
Publishers, listing
Radio reading for the blind, production information

Reader enrollment and delivery systems (READS), general information
Records management listing of library records
Request for proposal for local area network
Salvaging rigid talking book discs, instruction manual
Shelving, general information
Snowbirds, general information
Space utilization report
Speech/braille computer output, general information
Titles received, book listing
Training grant, general information
Transcriber's workshop, documentation and information
Vendor listing
World book encyclopedia, informational material
XESS, listing of books removed from the collection

NOTE: In addition to the above records, a complete inventory of all materials available for circulation is maintained in the library's card catalog.

VOCATIONAL REHABILITATION

Available readers and drivers listing
Dept. of personnel, certified disabilities program
Commissioner policies on service provision
Computer technology reference materials
Counselor instructional manual
Field operations statistical reports
504 subcommittee meeting records
General resource materials on employment and vocational rehabilitation
Health resources and information
Information on U.S. civil service and personnel management
In-service training agendas
In-service training grant
Job openings posting book
Medical reference pamphlets and brochures
Paratransit advisory committee reference materials
Photographs
RCEP training advisory committee reference listing
Reference materials on Targeted jobs tax credit, Job training partnership Act and PWI programs
Rehabilitation Act of 1973
Rehabilitation services administration annual report on postemployment services and annual reviews
Rehabilitation services administration federal regulations
Rehabilitation services administration monthly cumulative caseload report
Rehabilitation services administration quarterly cumulative caseload report
Rehabilitation services administration program and cost report
Social security disability and SSI reference materials
Speeches by Kenneth Jernigan and Jacob tenBroek
SSA administrative procedure letters
SSA program instructions and resource materials
Staff procedure memos
Staff territory assignments
State facilities plan
State plan for vocational rehabilitation services
Supported employment reference materials

Telephone directories for DVRS and AEA personnel
 Transition committee minutes and reference materials
 Veterans administration resource materials
 Vocational rehabilitation guidelines and procedures

NOTE: (c) indicates information is also stored on a computer database.

The following record systems, categorized by agency program area, are open to access by the public, but may contain personally identifiable or confidential information:

Records

Statutory Authority

ADMINISTRATION

Accounts payable vouchers	Iowa Code section 259.1
Accounting interagency correspondence and information	Iowa Code sections 259.1 and 19A.15
Applications for education leave and educational assistance	Iowa Code section 19A.15
Correspondence, general	Iowa Code section 259.1
Gifts and bequests trust account records	Iowa Code section 216B.3
Minutes, supervisors meetings	Iowa Code section 259.1

BUSINESS ENTERPRISE PROGRAM

Closed vending facilities	Iowa Code section 259.1
Correspondence, general	Iowa Code section 259.1
Correspondence, vendor	Iowa Code section 259.1
Licenses	Iowa Code section 259.1
Minutes, state vendor committee	Iowa Code section 259.1
Vending facilities (all locations)	Iowa Code section 259.1

INDEPENDENT LIVING REHABILITATION SERVICES

Agency contact documentation	Iowa Code section 259.1
Bistate independent living center	Iowa Code section 259.1

Client equipment inventory cards	Iowa 259.1	Code	section
General correspondence, 1981-84	Iowa 259.1	Code	section
Helen Keller national center, grant, reports, and correspondence	Iowa 259.1	Code	section

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

Braillewriter equipment inventory	Iowa 216B.3	Code	section
Marantz equipment inventory and repair records	Iowa 216B.3	Code	section
Proofreader circulation assignments	Iowa 216B.3	Code	section
Tape exchange correspondence	Iowa 216B.3	Code	section
Volunteer braille and tape production records	Iowa 216B.3	Code	section

VOCATIONAL REHABILITATION

General correspondence	Iowa 259.1	Code	section
Intra-office and interoffice memos	Iowa 259.1	Code	section
Lions typewriter acquisition list	Iowa 259.1	Code	section

NOTE: (c) indicates information is also stored on a computer database.

111—13.14(17A,22) Automated data processing capabilities. All records are stored on paper and not in automated data processing systems unless otherwise noted. Data processing systems used by the agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system, unless specifically noted.

111—13.15(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

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

[Filed 4/19/88, Notice 2/10/88—published 5/4/88, effective 6/8/88]

[Filed emergency 9/1/88—published 9/21/88, effective 9/1/88]

[Filed 2/1/90, Notice 11/15/89—published 2/21/90, effective 3/28/90]

[Filed 1/18/91, Notice 11/28/90—published 2/6/91, effective 3/13/91]

[Filed 6/5/02, Notice 5/1/02—published 6/26/02, effective 7/31/02]

[Filed ARC 0461C (Notice ARC 0181C, IAB 6/27/12), IAB 11/28/12, effective 1/2/13]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHIEF INFORMATION OFFICER, OFFICE OF THE[129]

[Created by 2013 Iowa Acts, chapter 129]

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GENERAL OFFICE PROCEDURES

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8.2(8B)	Purpose and applicability
8.3(8B)	Advisory groups
8.4(8B)	Information technology governance requirements
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21.2(8B,427)	Scope
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21.7(8B,427)	Targeted service areas subject to challenge
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22.2(8B)	Purpose and scope
22.3(8B)	Notice accepting grant funds
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22.5(8B)	Application review process and award of grant funds
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TITLE I
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CHAPTER 1
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Rescinded **ARC 9989C**, IAB 1/21/26, effective 2/25/26

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 9990C**, IAB 1/21/26, effective 2/25/26

CHAPTER 3
PETITIONS FOR RULE MAKING
Rescinded **ARC 9991C**, IAB 1/21/26, effective 2/25/26

CHAPTER 4
DECLARATORY ORDERS
Rescinded **ARC 9992C**, IAB 1/21/26, effective 2/25/26

CHAPTER 5
OFFICE PROCEDURE FOR RULE MAKING
Rescinded **ARC 9993C**, IAB 1/21/26, effective 2/25/26

CHAPTER 6
CONTESTED CASES
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
WAIVERS
Rescinded **ARC 9994C**, IAB 1/21/26, effective 2/25/26

CHAPTER 11
VENDOR APPEALS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 12 to 19
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OMBUDSMAN[141]

[Prior to 3/30/94, see Citizens' Aide[210]]

[Rules published 3/30/94 exempt from Iowa Code chapter 17A pursuant to Iowa Code section 2C.9(5). These rules were also published in the 3/30/94 IAB as authorized by the ARRC pursuant to Iowa Code section 17A.6(1) "c. "]

[Prior to 10/26/16, see Citizens' Aide/Ombudsman[141]; renamed Ombudsman by 2013 Iowa Acts, House File 185, section 3.]

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3.3(2C,22)	Requests for access to records
3.4(2C,22)	Access to confidential records
3.5(2C,22)	Requests to treat record as confidential
3.6(2C,22)	Additions, dissents or objections to records
3.7(2C,22)	Notice to suppliers of information
3.8(2C,22)	Release to subject
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4.2(2C)	Adoption of rule
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- 5.1(17A) Petition for rule making
- 5.2(17A) Agency consideration

CHAPTER 6
DECLARATORY RULINGS

- 6.1(17A) Petition for declaratory rulings
- 6.2(17A) Agency consideration
- 6.3(17A) Refusal to issue ruling
- 6.4(17A) Declaratory rulings

CHAPTER 1 ORGANIZATION

[Prior to 3/30/94, see 210—Chapter 1]

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

141—1.1(2C) Authority and function. The office of ombudsman was established by the general assembly in 1972 and is charged with the responsibility to investigate complaints from any persons regarding administrative actions of Iowa state or local governmental agencies and to render objective opinions or recommendations on the complaints, in the interests of resolving complaints and improving administrative processes and procedures. In addition to the powers and duties specified in Iowa Code chapter 2C, the office of ombudsman shall investigate complaints received pursuant to Iowa Code section 23A.4.

[Adopted and published 10/26/16 pursuant to Iowa Code section 2C.9(5), effective 11/1/16; Adopted and published 6/2/21 pursuant to Iowa Code section 2C.9(5), effective 6/2/21]

141—1.2(2C) Location and access. The office of ombudsman is located at the Ola Babcock Miller Building, 1112 E. Grand Avenue, Des Moines, Iowa 50319. The office website is www.legis.iowa.gov/Ombudsman. The office can be reached at the following numbers: telephone (515)281-3592, 1-888-426-6283 (1-888-IA-OMBUD), and TDD/TTY (515)242-5065, and fax (515)242-6007. The office can also be reached by electronic mail at ombudsman@legis.iowa.gov. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except designated state holidays.

[Adopted and published 10/26/16 pursuant to Iowa Code section 2C.9(5), effective 11/1/16]

141—1.3(2C) Composition and duties of staff.

1.3(1) Staff. The office of ombudsman is composed of the following staff positions:

a. Ombudsman. The ombudsman is appointed by the legislative council pursuant to Iowa Code section 2C.3. The ombudsman shall meet the qualifications specified in Iowa Code section 2C.4 and serve for the term of office provided in Iowa Code section 2C.5. The ombudsman employs and supervises all staff in the positions and at the salaries authorized by the legislative council.

b. Deputy ombudsman. The ombudsman shall designate one of the members of the staff as the deputy ombudsman. The deputy ombudsman shall act as the ombudsman when the ombudsman is absent from the state or becomes disabled, or when the position of ombudsman is vacant, until the vacancy is filled by the legislative council.

c. Legal counsel. The legal counsel shall provide legal advice, assistance, and representation to the ombudsman and members of the staff in matters pertaining to their authority and duties and shall perform other assigned duties.

d. Assistant for corrections. The assistant ombudsman for corrections is primarily responsible for investigating complaints relating to penal and correctional agencies, and performs other assigned duties.

e. Assistants. The assistant ombudsmen receive and investigate complaints and perform other assigned duties.

f. Support staff. The support staff performs secretarial, clerical, and other assigned duties.

1.3(2) Delegation of authority or duties. The ombudsman may delegate to any staff member any authority or duties of the ombudsman, except the duty of making formal recommendations to agencies or reports to the governor or the general assembly.

[Adopted and published 10/26/16 pursuant to Iowa Code section 2C.9(5), effective 11/1/16]

These rules are intended to implement Iowa Code sections 2C.3(2), 2C.6, 2C.9(6), 23A.4, and 217.3A(3).

[Filed 12/15/75, Notice 10/20/75—published 12/29/75, effective 2/2/76]

[Filed 8/26/81, Notice 7/22/81—published 9/16/81, effective 10/21/81]

[Filed 8/1/84, Notice 6/20/84—published 8/29/84, effective 10/3/84]

[Adopted and published 3/30/94 pursuant to Iowa Code section 2C.9(5), effective 5/1/94]

[Adopted and published 10/26/16 pursuant to Iowa Code section 2C.9(5), effective 11/1/16]

[Adopted and published 6/2/21 pursuant to Iowa Code section 2C.9(5), effective 6/2/21]

CIVIL RIGHTS, OFFICE OF[161]

[Prior to 7/23/25, see Civil Rights Commission[161]]

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3.2(216)	Timely filing of the complaint
3.3(216)	Jurisdictional review
3.4(216)	Amendment process
3.5(216)	Notice of the complaint
3.6(216)	Preservation of records
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3.12(216)	Mediation
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3.14(216)	Document submission process
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3.26(216)	Initial investigation of complaint—tier one investigation
3.27 to 3.31	Reserved
3.32(216)	Secondary investigative process—tier two investigation
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CHAPTER 1
RULES OF PRACTICE

[Prior to 1/13/88, see Civil Rights 240—1.2, Ch 9, Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

161—1.1(216) Organization and administration.

1.1(1) Organization.

a. Commission. The Iowa civil rights commission is a seven-member body. Members are appointed by the governor pursuant to Iowa Code section 216.3.

b. Location. The Iowa civil rights commission, hereinafter referred to as “commission,” is located on the First Floor, Grimes State Office Building, 400 E. 14th Street, Des Moines, Iowa 50319-1004; telephone (515)281-4121; toll-free in Iowa only 1-800-457-4416; facsimile transmission (fax) (515)242-5840. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday, or the business hours set by the office of the governor or otherwise established by the legislature.

1.1(2) Administration. The executive director is responsible for the day-to-day administration of the commission’s activities.

1.1(3) Electronic attendance of commissioners.

a. Notification. A commissioner wishing to attend the commission meeting by electronic means shall notify the executive director of this intent. The executive director will then take all reasonable measures to ensure that the necessary equipment is available at the site selected for the commission meeting. The commissioner attending by electronic means is responsible for ensuring that adequate equipment is available at the commissioner’s location.

b. Public participation. Whenever any commissioners attend by electronic means, public access to the conversation of the commission will be allowed at the location of at least one of the commissioners. Unless good cause requires otherwise, the location where public access to the conversation is provided shall be a location reasonably accessible to the public. If the location is not reasonably accessible to the public, the nature of the good cause justifying inaccessibility shall be stated in the minutes.

c. Electronic attendance of multiple commissioners. If at the time a commissioner notifies the executive director of the intent to attend electronically that commissioner’s electronic attendance would mean that four or more commissioners would be attending separately via electronic means, then that commissioner may not attend by electronic means unless the in-person attendance of any four of the commissioners attending the meeting at any of the available meeting sites is impossible or impracticable.

d. Conducting electronic meeting. Whenever four or more commissioners are separately attending a commission meeting by electronic means, the commission shall conduct the meeting in accordance with the following requirements:

(1) The commission shall keep detailed minutes of all discussion, all persons present and all action. The commission shall electronically record all proceedings in the meeting and retain such recordings for no less than one year from the date of the meeting.

(2) The minutes of the meeting shall include a statement explaining why a meeting in person was impossible or impracticable.

(3) The public notice of the meeting shall state the location of the meeting to be the location where public access to the conversation is provided.

[ARC 8749B, IAB 5/5/10, effective 6/9/10]

161—1.2(216) Commission procedure for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—1.3(216) Procedures for oral or written presentations. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—1.4(216) Procedure for obtaining declaratory orders. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—1.5(216) Forms. Forms commonly used by the commission are generally available through the commission's Web site or by telephoning the commission staff.

1.5(1) "*Charge of Discrimination*," EEOC 5c, for a complaint alleging a discriminatory or unfair practice or act in all jurisdictional areas except housing.

1.5(2) "*Housing Discrimination Complaint*," HUD 903, for a complaint alleging a discriminatory or unfair practice or act in the jurisdictional area of housing.

1.5(3) "*Authorization Release Form*," to secure authorization for relevant client information.

1.5(4) "*Administrative Release Form*," to request a "right to sue" letter.

1.5(5) "*Request for Withdrawal of Charge of Discrimination*," is used by the complainant to withdraw the charge of discrimination previously filed.

1.5(6) "*Amended complaint*," to amend the charge of discrimination previously filed.

1.5(7) "*Forms notebook*." Other forms commonly used by the commission or its staff are compiled within a "forms notebook." The notebook is available for inspection by the public at the commission offices. Copies of the forms notebook can be obtained for an appropriate copying charge.

1.5(8) "*Purpose of forms*." The existence of standard forms is for the convenience of the commission, the public, and the parties. The existence of a standard form does not imply that the purpose of the standard form cannot be accomplished through a document in a different form.

[ARC 8749B, IAB 5/5/10, effective 6/9/10]

161—1.6(216) Referral and deferral agencies.

1.6(1) *Statement of purpose.* It is the purpose of the commission, in adopting these rules to promote the efficient enforcement of the Act. To this end, the commission will use referral and deferral agreements to encourage agencies with similar powers and jurisdiction to:

a. Develop procedures with remedies necessary to ensure the protection of rights secured by the Iowa Civil Rights Act.

b. Increase the efficiency of their operations.

c. Cooperate more fully with the commission in the sharing of data and resources, and

d. Coordinate investigations and conciliations with the commission in order to eliminate needless duplication.

1.6(2) *Definitions.*

a. "*Agency*" refers to any agency of municipal government established by ordinance for the purpose of eliminating discrimination on any basis protected by the Act or any state or federal governmental unit with jurisdiction over allegations of discrimination that is capable of obtaining remedies similar to those obtainable by the commission.

b. "*Referral*" means the process by which the commission cross-files a charge of discrimination with a referral agency, which extinguishes the legal ability of the commission to process the charge; provided, however, that the referral agency accepts the referred charge and that the commission has the reciprocal right to accept or reject charges cross-filed by the referral agency.

c. "*Referral agency*" means any agency of local government that has been awarded that status by contract with the commission.

d. "*Deferral*" refers to the process whereby the commission notifies an agency of local, state, or federal government that a complaint has been filed with the commission and that the commission will postpone its investigative activities for a period of 60 days while the deferral agency investigates and attempts to resolve the matter. Extensions of this time period may be granted by the commission or the executive director when just cause is shown by the agency for the time extension requested.

e. "*Deferral agency*" means any agency so designated by contract pursuant to these rules.

1.6(3) *Procedure for obtaining referral status.*

a. Guidelines for designation. The executive director will evaluate the applications of agencies and may designate agencies as referral agencies where they conform to the following guidelines:

- (1) The agency should have professional staff to enable it to comprehensively investigate complaints and to ensure the processing of the charges expeditiously.
- (2) The ordinance or enabling legislation under which the agency is established must provide at a minimum the same rights and remedies to discrimination as available under the Act, and
- (3) The enabling legislation of the agency shall provide, at a minimum, that the agency may hold public hearings, issue cease and desist orders, and award damages to injured parties which shall include, but are not limited to, actual damages.

b. Application. Any agency desiring to be designated as a referral agency by the commission may send a letter of application to the executive director of the commission. Attached to the application must be a copy of the agency's enabling ordinance, a list of its investigatory personnel, the average number of hours worked by each per week, and a report for the previous 12-month period detailing the following:

- (1) The number of cases filed with the agency,
- (2) The number of probable cause and no probable cause findings,
- (3) The number of cases successfully conciliated,
- (4) The number of cases taken to public hearing,
- (5) The average length of time spent investigating each case,
- (6) The cumulative remedies obtained for the previous 12-month period and average remedy obtained per case,
- (7) An assessment of the quality of the agency's investigation,
- (8) The agency's standards to preserve quality investigations, and
- (9) The status of the agency's caseload.

c. Rejection of application. Where the executive director determines that an agency does not qualify as a referral agency, the director shall so inform the agency in writing along with the reasons for the agency's rejection.

If the reasons for the agency's rejection are corrected, the agency will then be designated as a referral agency. The executive director's decision may be appealed to the commission at its subsequent regular meeting.

d. Designation and contract. Where the executive director determines that an agency is qualified as a referral agency, the director will prepare a contract between the commission and the agency containing the terms on which cases will be referred. Upon execution of the contract, the executive director will designate the agency as a referral agency.

e. Terms of the referral contract. The referral contract shall be negotiated with the referral agency, but shall include the following:

- (1) Terms prohibiting a complainant who has filed with the commission from cross-filing with a referral agency and vice versa,
- (2) Terms permitting the commission to refer complaints filed with it to a referral agency for processing and vice versa,
- (3) Terms prohibiting the commission from processing a charge referred to and accepted by the referral agency and vice versa,
- (4) Terms permitting the commission or a referral agency to reject a charge referred to it for processing,
- (5) Terms ending the contract after two years, subject to renegotiation, and
- (6) Any other terms mutually agreed upon.

1.6(4) Procedure for obtaining deferral status.

a. Application. Any agency desiring to be designated as a deferral agency by the commission may send a letter of application to the executive director of the commission. Attached to the application must be a copy of the agency's enabling legislation or grant of jurisdiction, a list of its personnel and statement indicating their permanent or part-time status, their functions, and a summary of the agency's prior efforts

at preventing and eliminating discrimination. The application must also explain how the agency is capable of obtaining remedies substantially similar to those available under the Act.

b. Guidelines for designation. The executive director will evaluate the applications of all agencies and may designate deferral agencies where the agencies conform to the following guidelines:

(1) The agency should have available resources to enable it to investigate complaints to ensure processing within a reasonable period of time,

(2) The agency's enabling legislation or grant of jurisdiction must permit it to obtain substantially the same remedies as are available under the Act,

(3) The agency must be able to make a diligent effort to investigate and resolve the complaints filed with it, and

(4) The agency is capable of obtaining remedies substantially similar to those available under the Act by informal means.

c. Rejection of application. Where the executive director determines that an agency does not qualify as a deferral agency, the director shall so inform the agency in writing along with the reasons for the agency's rejection.

If the reasons for the agency's rejection are corrected, the agency will then be designated as a deferral agency. The executive director's decision may be appealed to the commission at its subsequent regular meeting.

d. Designation and contract. Where the executive director determines that an agency is qualified as a deferral agency, the director will prepare a contract between the commission and the agency containing the terms on which cases will be deferred. After execution of the contract, the executive director will designate the agency as a deferral agency.

e. Terms of the deferral contract. The deferral contract shall include, subject to negotiations with the agency, the following:

(1) The commission will agree to notify the deferral agency of all complaints filed with the commission which are within the deferral agency's jurisdiction, except where a complainant requests in written form that the deferral agency not be notified.

(2) The deferral agency will agree to aid all complainants whose complaints come within the commission's jurisdiction in completing the commission's complaint forms as well as notarizing them and forwarding the fully executed forms to the commission where the necessity to file a formal complaint exists. If, however, a matter may be resolved informally more expeditiously the deferral agency will simply notify the commission by letter of the complaint and resolution obtained. "Informally resolved complaints" shall refer to complaints that can be resolved within ten days.

(3) The commission will agree to postpone its investigation for at least 60 days of any complaint filed with a deferral agency unless otherwise agreed to by both parties. These waiver agreements will be made on an individual case basis.

(4) The agency will agree not to disclose the filing of a complaint or confidential information pertaining to a complaint until the complaint has been officially set for public hearing.

(5) The commission and the deferral agency shall share copies of all findings, case summaries, and conciliation agreements.

(6) Where a complaint is on file with a deferral agency, the commission will allow the deferral agency access to the contents of the complainant's file provided that the deferral agency allows the commission like privileges and has not previously disclosed confidential information prior to public hearing.

(7) Photocopying of materials from commission files for use by a deferral agency is solely at the discretion of the commission staff, but will not be unreasonably denied. When the commission copies from the agency's file, the agency shall be reasonably compensated for copying costs.

(8) The commission will give substantial weight to the findings of a deferral agency where pertinent and relevant factual evidence exists to support those findings.

(9) The commission will not necessarily be bound by the agency's conclusions of law.

(10) Where a deferral agency reaches a finding of probable cause to support an allegation of discrimination the contract may permit the agency to pursue conciliation, or to refer the case back to

the commission for conciliation. The contract may also permit an agency that has attempted conciliation to refer that case back to the commission for public hearing. In no case where a case has been referred back to the commission will it be referred back to the agency. Where a case is conciliated or a hearing is held by the agency or the commission, both will be bound by the final determination.

(11) The period for which the contract will be in effect shall not exceed two years, subject to renegotiation.

(12) The contract may contain other terms agreed to by the parties.

These rules are intended to implement Iowa Code chapter 216.

[Filed 9/29/75, Notice 7/28/75—published 10/6/75, effective 11/10/75]

[Filed 2/20/78, Notices 12/14/77, 1/11/78—published 3/22/78, effective 4/26/78]

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[Filed 12/15/87, Notice 8/12/87—published 1/13/88, effective 2/17/88]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93¹]

[Filed 9/21/94, Notice 7/20/94—published 10/12/94, effective 11/16/94]

[Filed 4/28/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

[Filed 5/8/03, Notice 12/11/02—published 5/28/03, effective 7/2/03]

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

¹ Effective date of 161—1.1(1)“b,” 1.5(7) and 1.5(8) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 9, 1993; delayed until adjournment of the 1994 Session of the General Assembly by this Committee May 11, 1993.

CHAPTER 4
CONTESTED CASES

[Prior to 1/13/88, see Civil Rights 240—1.5(2), 1.5(3), 1.8 to 1.15, 1.18]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DISCRIMINATION IN AIDING/ABETTING AND RETALIATION
Reserved

CHAPTER 11
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

161—11.1(17A,22,216) Definitions. As used in this chapter:

“*Agency*” means the Iowa civil rights commission.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the executive director, or a person lawfully delegated authority by the executive director to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

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

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

161—11.2(17A,22,216) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.3(17A,22,216) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.4(17A,22,216) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.5(17A,22,216) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.6(17A,22,216) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.7(17A,22,216) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.8(17A,22,216) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.9(17A,22,216) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.10(17A,22,216) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.11(17A,22,216) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.12(17A,22,216) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.13(17A,22,216) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 161—11.1(17A,22,216). Unless otherwise stated, the authority for this office to maintain the record is provided by Iowa Code chapter 216, the statutes governing the subject matter of the record, and the enabling statutes of the agency client, where applicable. The record systems maintained by the agency shall include but are not limited to the following:

11.13(1) Investigatory files. These files or records contain information collected or generated by Iowa civil rights commission staff or commissioners relating to any step in the complaint process beginning with the consideration or contemplation of filing a complaint up to the issuance of a notice of public hearing. Most of these records are paper files. However, some case management records and other records are in computer form. Those files are commonly indexed by the name of the opposing party. Some files are indexed by subject matter, witness, agency or other category.

11.13(2) Litigation files. These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include pleadings, briefs, depositions, discovery material, docket sheets, documents, general correspondence, attorney-client correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. Most of these records are paper files. However, some case management records and other records are in computer form. The files are generally maintained by division and are commonly indexed by the name of the opposing party. Some files are indexed by subject matter, witness, agency, or other category. The files contain materials which 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

11.13(3) Records. State of Iowa files are a subpart of the complaint file system and contain general information on an individual or business including correspondence, investigative information, agency subpoenas, demands for information and responses. Work product information contained in the state of Iowa file is considered confidential. The records are subject to the same confidentiality provisions as are complaint files.

11.13(4) Personnel files. The Iowa civil rights commission and individual divisions maintain files containing information about employees and applicants for positions with the agency. The files contain payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

161—11.14(17A,22,216) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 161—11.1(17A,22,216). The records listed may contain information about individuals. Unless otherwise designated, the authority for this office to maintain the record is provided by Iowa Code chapter 216, the statutes governing the subject matter of the record. Those privileges may render some or all of the following information confidential whether or not asserted in the description of the record. All records are stored both on paper and in automated data processing systems unless otherwise noted.

11.14(1) Administrative records. This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

11.14(2) Publications. The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

11.14(3) Office publications. This office issues a variety of materials including press releases, statistical reports, Iowa civil rights commission case reports and annual reports.

11.14(4) Rule-making records. Official documents executed during the promulgation of agency rules and public comments are available for public inspection.

11.14(5) Office manuals. Information in office manuals such as the investigator handbook are available for public inspection.

11.14(6) All other records. Records are open if not exempted from disclosure by law.

161—11.15(17A,22,216) Data processing systems. The data processing systems used by the agency compare personally identifiable information in one record system with personally identifiable information in another record system.

161—11.16(17A,22,216) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

161—11.17(17A,22,216) Access to file information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

[Filed emergency 5/13/88—published 6/1/88, effective 7/1/88]

[Filed 12/22/89, Notice 6/14/89—published 1/10/90, effective 2/14/90]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93¹]

[Filed ARC 8733B (Notice ARC 8560B, IAB 3/10/10), IAB 5/5/10, effective 6/9/10]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

¹ Effective date of 161—11.17(2), 11.17(4) and 11.17(5) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 9, 1993; delayed until adjournment of the 1994 Session of the General Assembly by this Committee May 11, 1993.

CHAPTER 15
MISCELLANEOUS PROVISIONS
[Prior to 1/13/88, see Civil Rights 240—Ch 11]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

161—15.1(216) Partial invalidity. If any provision of commission rules shall be held invalid, the remainder of the rules shall not be affected thereby. The invalidity of any of the rules with respect to a particular person or under particular circumstances shall not affect their application to other persons or different circumstances.

161—15.2(216) Availability of rules. Copies of commission rules shall be available to the public on request.

161—15.3(17A,ExecOrd11) Waiver of requirements imposed by commission rule. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapter 216.

[Filed 2/20/78, Notices 12/14/77, 1/11/78—published 3/22/78, effective 4/26/78]

[Filed 4/4/80, Notice 9/5/79—published 4/30/80, effective 6/4/80]

[Filed 12/15/87, Notice 8/12/87—published 1/13/88, effective 2/17/88]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 6/21/01, Notice 5/2/01—published 7/11/01, effective 8/15/01]

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[Filed ARC 5824C (Notice ARC 5565C, IAB 4/21/21), IAB 8/11/21, effective 9/15/21]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]

[Created by 2023 Iowa Acts, Senate File 514]

[Prior to 3/20/24, see Commerce Department[181]]

NOTE: For the rules of divisions under this Department “umbrella,” see Banking Division[187],
Credit Union Division[189], and Insurance Division[191]

CHAPTER 1 ORGANIZATION AND OPERATION

1.1(546,17A)	Purpose
1.2(546,17A)	Scope of rules
1.3(546,17A)	Duties of the department
1.4(546,17A)	Definitions
1.5(546,17A)	Central offices and communications
1.6(546,17A)	Custodians of records, filings and requests for public information
1.7(546,17A)	Division administrators’ responsibilities

CHAPTER 1 ORGANIZATION AND OPERATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/24/29

181—1.1(546,17A) Purpose. This chapter describes the organization and operation of the department of insurance and financial services (department).

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.2(546,17A) Scope of rules. The rules for the department are promulgated under Iowa Code chapters 17A and 546 and shall apply to all matters before the department. No rule shall, in any way, relieve a person affected by or subject to these rules or any person affected by or subject to the rules promulgated by the various divisions of the department from any duty under the laws of this state.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.3(546,17A) Duties of the department. The department administers and coordinates the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state. The department consists of the following divisions: banking, credit union, and insurance.

1.3(1) Banking division. The banking division regulates and supervises state banks, regulated loan companies, industrial loan companies, mortgage bankers, mortgage brokers, real estate closing agents, debt management companies, money services companies, and delayed deposit service businesses and performs other duties assigned to it by law.

1.3(2) Credit union division. The credit union division regulates and supervises the operation of credit unions within the state; the credit union review board performs duties assigned to it by Iowa Code chapter 533.

1.3(3) Insurance division. The insurance division regulates and supervises the conduct of the business of insurance within the state and enforces the laws promulgated under Title XIII of the Iowa Code and Iowa Code chapters 502, 502A, 505, 505A through 523A, 523C, 523D, and 523I. The division performs other duties assigned to it by law.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.4(546,17A) Definitions.

“*Administrator*” means the commissioner of insurance, the superintendent of banking, or the superintendent of credit unions.

“*Commissioner of insurance*” means the same as defined in Iowa Code section 505.2.

“*Department*” means the department of insurance and financial services.

“*Person*” means an individual, corporation, partnership, association, professional corporation, licensee or permittee.

“*Superintendent of banking*” means the same as defined in Iowa Code section 524.201.

“*Superintendent of credit unions*” means the same as defined in Iowa Code section 533.104.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.5(546,17A) Central offices and communications. Correspondence and communications with the department shall be addressed or directed to the department’s director. The department director is the commissioner of insurance. The department’s website is iowa.gov/difs.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.6(546,17A) Custodians of records, filings and requests for public information. Unless otherwise specified by the department or the rules of its various divisions, each division is the principal custodian of its own divisional orders, statements of law or policy issued by the respective divisions, legal documents and other public documents on file with the department or its respective divisions. This is true in particular for the Iowa fair information practices Act. The responsibility for complying with that Act

shall be upon the individual divisions. Each division shall promulgate rules pursuant to Iowa Code chapter 17A governing the manner in which documents may be filed with the respective divisions.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.7(546,17A) Division administrators' responsibilities.

1.7(1) Rulemaking. Each division administrator has the authority to promulgate rules pursuant to Iowa Code chapter 17A to implement the duties of the division. Such rules are not subject to review by the department director. All applicable rules previously promulgated by the divisions shall remain in effect until amended by the divisions.

1.7(2) Decision making. Decisions of the division administrator with respect to duties assigned to the division under the law are final agency actions pursuant to Iowa Code chapter 17A. Decisions by either the commissions or division administrators are not subject to review by the department director.

1.7(3) Supervision. Each division administrator has the authority to hire, allocate, develop, and direct employees and other resources assigned to the division by law.

1.7(4) Establish fees. Each division administrator has the authority to establish fees assessed to the regulated industry. The fees so established are not reviewable by the department director.

1.7(5) Expenditure authorization. Each division administrator may authorize expenditures from accounts for that division or office within the department of commerce revolving fund established in Iowa Code section 546.12, or otherwise use funds as permitted by Iowa Code section 546.12.

[ARC 7728C, IAB 3/20/24, effective 4/24/24]

181—1.8(17A) Petitions for rulemaking—uniform rules adopted. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

181—1.9(17A) Petition for rulemaking. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

181—1.10(17A) Briefs. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

181—1.11(17A) Inquiries. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

181—1.12(17A) Agency consideration. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code sections 17A.3 and 546.2.

[Filed emergency 7/1/86—published 7/30/86, effective 7/1/86]

[Filed 9/22/86, Notice 7/30/86—published 10/8/86, effective 11/12/86]

[Filed 3/4/88, Notice 10/21/87—published 3/23/88, effective 4/27/88]

[Filed emergency 11/4/94—published 11/23/94, effective 11/4/94]

[Filed ARC 2650C (Notice ARC 2575C, IAB 6/8/16), IAB 8/3/16, effective 9/7/16]

[Filed ARC 7728C (Notice ARC 7343C, IAB 1/24/24), IAB 3/20/24, effective 4/24/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

BANKING DIVISION[187]

Created within the Department of Commerce by 1986 Iowa Acts, chapter 1245. Prior to 4/22/87, for Chs 1 to 15 see Banking Department[140] Chs 1 to 4, 8, 9 and 21; for Ch 16 see Auditor of State[130], Ch 1.

Note: Iowa Code chapter 453 renumbered as chapter 12C in 1993 Iowa Code.

CHAPTER 1

DESCRIPTION OF ORGANIZATION

1.1(17A,524)	Definitions
1.2(17A,524)	Scope and application
1.3(17A,524)	Division of banking

CHAPTER 2

APPLICATION PROCEDURES

2.1(17A,524)	Organization of a state-chartered bank
2.2(17A,524)	Conversion of national bank into state bank
2.3(17A,524)	Merger or purchase and assumption
2.4(17A,524)	Establishment of a bank office
2.5(17A,524)	Change of location of principal place of business or bank office
2.6(17A,524)	Change of control
2.7(17A,524)	Renewal, amendment or restatement of articles of incorporation
2.8 to 2.11	Reserved
2.12(17A,524)	Supplemental application procedures
2.13	Reserved
2.14(524)	Investment in a bank service corporation or other subsidiary
2.15(524)	Securities activities
2.16(524)	Contracts
2.17(17A,524)	Mobile offices, courier services, and convenience offices
2.18(17A,524)	New or innovative electronic activities
2.19(17A,524)	Required fees

CHAPTER 3

Reserved

CHAPTER 4

STATE BANKING COUNCIL

4.1(524)	Composition of council
4.2(524)	Term of office
4.3(524)	Function of the council
4.4(524)	Meetings and method of contacting members of the council

CHAPTERS 5 and 6

Reserved

CHAPTER 7

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

7.1(17A,22)	Definitions
7.3 to 7.13	Reserved
7.14(17A,22)	Personally identifiable information
7.15(17A,22)	Other groups of records routinely available for public inspection

CHAPTER 8

GENERAL BANKING POWERS

8.1 to 8.7	Reserved
8.8(12B)	Approved rating services
8.9(524)	General definition of bank
8.10(524)	Courier services

CHAPTER 9 INVESTMENT AND LENDING POWERS

9.1	Reserved
9.2(17A,524)	Real estate lending
9.3(17A,524)	Leasing

CHAPTER 10 ELECTRONIC TRANSFER OF FUNDS

10.1(527)	Scope
10.2(527)	Terms defined
10.3(527)	Applications to operate a central routing unit
10.4(527)	Compliance examinations of a central routing unit
10.5(527)	Applications to establish a satellite terminal
10.6(527)	Customer instruction in the use of a satellite terminal

CHAPTERS 11 to 14 Reserved

CHAPTER 15 REGULATED LOANS

15.1(17A,536)	Definitions
15.2(17A,536)	Utilization of NMLS
15.3(17A,536)	Application for license
15.4(17A,536)	Grounds for approval or denial
15.5(17A,536)	Renewal of license
15.6(17A,536)	Changes in the licensee's name, location, or control; fees
15.7(17A,536)	Notice of significant events
15.8(17A,536)	Administrative fees
15.9(17A,536)	Licensee records
15.10(17A,536)	Complaints and investigations
15.11(17A,536)	Disciplinary action
15.12(17A,536)	Annual report
15.13(17A,536)	Restrictions on making regulated loans

CHAPTER 16 INDUSTRIAL LOANS

16.1(17A,536A)	Definitions
16.2(17A,536A)	Utilization of NMLS
16.3(17A,536A)	Application for license
16.4(17A,536A)	Grounds for approval or denial
16.5(17A,536A)	Renewal of license
16.6(17A,536A)	Changes in the licensee's name, location, or control
16.7(17A,536A)	Notice of significant events
16.8(17A,536A)	Administrative fees
16.9(17A,536A)	Licensee records
16.10(17A,536A)	Complaints and investigations
16.11(17A,536A)	Disciplinary action
16.12(17A,536A)	Other requirements
16.13(17A,536A)	Restrictions on making industrial loans

CHAPTER 17 DELAYED DEPOSIT SERVICES

17.1(17A,533D)	Definitions
17.2(17A,533D)	Utilization of NMLS
17.3(17A,533D)	Application for license
17.4(17A,533D)	Grounds for approval or denial
17.5(17A,533D)	Renewal of license
17.6(17A,533D)	Changes in the licensee's name, location, or control
17.7	Reserved
17.8(17A,533D)	Administrative fees

17.9(17A,533D)	Licensee records
17.10(17A,533D)	Complaints and investigations
17.11(17A,533D)	Disciplinary action
17.12(17A,533D)	Annual report
17.13(17A,533D)	Restrictions on making delayed deposit transactions

CHAPTER 18

MORTGAGE BANKERS, MORTGAGE BROKERS, AND REAL ESTATE CLOSING AGENTS

18.1(17A,535B)	Definitions
18.2(17A,535B)	Application for license
18.3(17A,535B)	Renewal of license
18.4(17A,535B)	Grounds for approval or denial
18.5 and 18.6	Reserved
18.7(17A,535B)	Notice of significant events
18.8(17A,535B)	Changes in the licensee's business; fees
18.9(17A,535B)	Administrative fees
18.10 to 18.15	Reserved
18.16(17A,535B)	Licensee records
18.17(17A,535B)	Mortgage call reports
18.18(17A,535B)	Advertising and representations to potential borrowers
18.19(17A,535B)	Complaints and investigations
18.20(17A,535B)	Disciplinary action
18.21(17A,535B)	Trust fund accounting and internal controls
18.22(17A,535B)	Closing standards
18.23(17A,535B)	Employees of closing agents
18.24(17A,535B)	Reporting obligation
18.25(17A,535B)	Real estate brokers

CHAPTER 19

MORTGAGE LOAN ORIGINATORS

19.1(17A,535D)	Definitions
19.2(17A,535D)	Mortgage loan originator requirements
19.3(17A,535D)	Grounds for denial of license
19.4(17A,535D)	Renewal of mortgage loan originator license
19.5(17A,535D)	Reinstatement of license
19.6(17A,535D)	Notice of significant events
19.7(17A,535D)	Annual report
19.8(17A,535D)	Administrative fees
19.9(17A,535D)	Continuing education
19.10(17A,535D)	Independent contractor—loan processor or underwriter
19.11(17A,535D)	NMLS information challenge process
19.12(17A,535D)	Disciplinary action
19.13(17A,252J)	Nonpayment of child support
19.14	Reserved
19.15(17A,272D)	Nonpayment of state debt

CHAPTER 20

DEBT MANAGEMENT

20.1(17A,533A)	Definitions
20.2(17A,533A)	Utilization of the NMLS
20.3(17A,533A)	Application for license
20.4(17A,533A)	Grounds for approval or denial
20.5(17A,533A)	Renewal of license
20.6(17A,533A)	Changes in the licensee's name, location, or control
20.7(17A,533A)	Notice of significant events
20.8(17A,533A)	Administrative fees
20.9(17A,533A)	Licensee records
20.10(17A,533A)	Complaints and investigations
20.11(17A,533A)	Disciplinary action
20.12	Reserved

20.13(17A,533A)

Restrictions on operating a debt management business

CHAPTER 5
PETITIONS FOR RULE MAKING

[Prior to 4/22/87, see Banking Department[140] Ch 3]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
DECLARATORY ORDERS

[Prior to 4/22/87, see Banking Department[140] Ch 3]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

187—7.1(17A,22) Definitions. As used in this chapter:

“Agency” means the Iowa division of banking.

“Superintendent” means the superintendent of banking.

187—7.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

187—7.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

187—7.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

187—7.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

187—7.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

187—7.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

187—7.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 187—7.1(17A,22). The division of banking does not maintain groups of records to be retrieved by individual identifiers. Division records concerning regulated entities may contain financial and other personal information about individuals who are officers, shareholders, employees, or customers of regulated entities or do business with them. The division of banking does not currently have a data processing system which matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

7.14(1) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include an individual’s employment history, such as hiring and recruitment correspondence, salary, payroll and benefit information, record of personnel actions, military status, affirmative action statistics, education and training completed, professional certification achievements, professional organizational involvement, performance evaluation reports, and other information concerning the employer-employee relationship. This information is collected pursuant to Iowa Code section 524.208, and some of the information is confidential under Iowa Code sections 22.7(11) and 22.7(18). The information is maintained on paper; and certain parts are also contained on the agency’s data processing system, as well as the state’s mainframe automated data processing system.

7.14(2) Payroll records. Records showing individual earnings, hours worked, leave usage, class, position, salary range, deductions, net pay with agency summaries, and other related information. These records contain personally identifiable information collected under the authority of Iowa Code section 524.208, and some of the information may be confidential under Iowa Code section 22.7(11). The information is maintained on paper, with certain records maintained on the state’s payroll automated data processing system.

187—7.15(17A,22) Other groups of records routinely available for public inspection. This rule describes groups of records maintained by the agency other than record systems as defined in rule 187—7.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information. In addition, the records listed in subrules 7.15(1) to 7.15(4) may contain information about individuals.

7.15(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored on an automated data processing system.

7.15(2) Banking council records. Agendas, minutes and materials presented to the Iowa division of banking council are available from the office of the Iowa division of banking, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5, or which are otherwise confidential by law. Banking council records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier and is not stored on an automated data processing system.

7.15(3) Publications. News releases, annual reports, project reports, agency newsletters, etc., are available from the office of the Iowa division of banking.

Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees. This information is not retrieved by individual identifier and is not stored on an automated data processing system.

7.15(4) Orders issued by the superintendent. All findings of fact, conclusions of law, and orders issued by the superintendent subsequent to a public hearing under the provisions of chapter 17A, except as otherwise provided by law. (See Iowa Code section 17A.3.) These records may contain information about individuals.

7.15(5) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

7.15(6) Policy manuals. The agency's employees' manual, containing information concerning policies and procedures for programs administered by the agency, is available in the office of the agency. Policy manuals do not contain information about individuals.

7.15(7) Reports to superintendent. Reports obtained by the superintendent pursuant to the provisions of Iowa Code section 524.220. These reports are considered open records.

7.15(8) Officers and directors. Lists of officers and directors filed with the superintendent pursuant to the provisions of Iowa Code section 524.541. These reports are considered open records, with the exception that lists of shareholders are confidential and not open to the public.

7.15(9) Other. All other records that are not exempted from disclosure by law.

[ARC 4056C, IAB 10/10/18, effective 11/14/18]

187—7.16(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 7/1/88]

[Filed 9/17/96, Notice 7/17/96—published 10/9/96, effective 11/13/96]

[Filed 8/2/00, Notice 6/28/00—published 8/23/00, effective 9/27/00]

[Filed 2/10/05, Notice 1/5/05—published 3/2/05, effective 4/6/05]

[Filed ARC 4056C (Notice ARC 3948C, IAB 8/15/18), IAB 10/10/18, effective 11/14/18]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 11
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12
UNIFORM WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 13 and 14
Reserved

CREDIT UNION DIVISION[189]

Credit Union Department[295] renamed Credit Union Division[189] under the Department of Commerce by 1986 Iowa Acts, Senate File 2175, section 751, effective July 1, 1986.

See IAB 9/10/86.

CHAPTER 1

DESCRIPTION OF ORGANIZATION

1.1(533)	Definitions
1.2(17A,533)	Scope and application
1.3(17A,533)	Credit union division
1.4(17A,533)	Forms and instructions

CHAPTER 2

ORGANIZATION, CHARTERING AND FIELD OF MEMBERSHIP OF A CREDIT UNION

2.1(533)	Definitions
2.2(533)	Purpose
2.3(533)	Chartering process
2.4(533)	Organization procedure
2.5(533)	Field of membership and common bond
2.6(533)	Application for charter
2.7(533)	Chartering standards
2.8(533)	Incorporation and commencement of business
2.9(533)	Board of directors requirements
2.10(533)	Use of credit union name
2.11(533)	Employee groups
2.12(533)	Approval or denial
2.13(533)	Appeal

CHAPTER 3

CONVERSION OF AN IOWA-CHARTERED CREDIT UNION TO ANOTHER CHARTER TYPE

3.1(533)	Definitions
3.2(533)	Authority to convert
3.3(533)	Board of directors and membership approval
3.4(533)	Notice to members and voting procedures
3.5(533)	Notice to the superintendent
3.6(533)	Certification of vote on conversion proposal
3.7(533)	Superintendent oversight of methods and procedures of membership vote
3.8(533)	Other regulatory oversight of methods and procedures of membership vote
3.9(533)	Completion of conversion
3.10(533)	Limit on compensation of officials

CHAPTER 4

Reserved

CHAPTER 5

DEBT CANCELLATION PRODUCTS

5.1(533)	Authority and purpose
5.2(533)	Definitions
5.3(533)	Debt cancellation products
5.4(533)	Prohibited practices
5.5(533)	Refunds of fees in the event of termination or prepayment of the covered loan
5.6(533)	Method of payment of fees
5.7(533)	Disclosures
5.8(533)	Affirmative election to purchase and acknowledgment of receipt of disclosure
5.9(533)	Short-form disclosure
5.10(533)	Long-form disclosure

- 5.11(533) Safe and sound practices
- 5.12(533) Exception for Guarantee Automobile Protection or Guarantee Asset Protection (GAP) and other debt cancellation products offered by credit unions through unaffiliated, nonexclusive agents

CHAPTER 6 BRANCH OFFICES

- 6.1(533) Establishment of branch offices
- 6.2(533) Change of location of branch office

CHAPTER 7 LOW-INCOME DESIGNATED CREDIT UNION

- 7.1(533) Authority
- 7.2(533) Definitions
- 7.3(533) Low-income designation documentation
- 7.4(533) Nonmember deposits
- 7.5(533) Removal of low-income designation
- 7.6(533) Receipt of secondary capital
- 7.7(533) Funding secondary capital

CHAPTER 8 ACCOUNTS

- 8.1(533) Definitions
- 8.2(533) Insurance required
- 8.3(533) Authorized accounts
- 8.4(533) Ownership accounts
- 8.5(533) Trust accounts
- 8.6(533) Executor accounts
- 8.7(533) Corporate accounts
- 8.8(533) IRA and Keogh accounts
- 8.9(533) Deferred compensation accounts

CHAPTER 9 REAL ESTATE LENDING

- 9.1(533) Real estate lending
- 9.2(533) Evidence of title

CHAPTER 10 CORPORATE CENTRAL CREDIT UNION

- 10.1(533) Corporate central credit union powers

CHAPTER 11 INSOLVENCY

- 11.1(533) Definition of insolvency
- 11.2(533) Factors considered
- 11.3(533) First year of operation

CHAPTER 12 VOTES OF THE MEMBERSHIP

- 12.1(533) Voting requirements and eligibility
- 12.2(533) Voting procedures
- 12.3(533) Voting methods and requirements
- 12.4(533) Specific voting requirements for the board of directors elections
- 12.5(533) Specific election procedures for the board of directors elections
- 12.6(533) Vote to amend bylaws or articles of incorporation
- 12.7(533) Specific voting requirements to modify, amend, or reverse an act of the board of directors or to instruct the board to take action
- 12.8(533) Specific voting requirements regarding merger
- 12.9(533) Specific voting requirements for voluntary dissolution
- 12.10(533) Specific voting requirements to remove or reinstate an officer, director, or member of the auditing committee

- 12.11(533) Preservation of ballots
- 12.12(533) Reporting the results of the vote to the membership
- 12.13(533) Specific voting requirements for the sale of assets by corporate central credit union
- 12.14(533) Vote on conversion of an Iowa-chartered credit union to another charter type

CHAPTER 13

POWERS OF SUPERINTENDENT IN CONTROL OF CREDIT UNION

- 13.1(533) Powers of superintendent or special deputy superintendent
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CHAPTER 14

EXAMINATION REVIEWS AND INVESTIGATIONS

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- 14.2(533) Application of rules
- 14.3(533) Examination reviews
- 14.4(533) Preliminary informal investigations
- 14.5(533) Nonpublic proceedings and transcripts of examination reviews or informal preliminary investigatory proceedings
- 14.6(533) Formal investigations
- 14.7(533) Action following an examination, examination review or an informal or formal investigation
- 14.8(533) Voluntary submission of information
- 14.9(533) Effect of disposition and settlement on criminal proceedings

CHAPTER 15

FOREIGN CREDIT UNION BRANCH OFFICES

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- 15.2(533) Application of foreign credit union
- 15.3(533) Exhibits
- 15.4 Reserved
- 15.5(533) Annual reporting requirements
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- 15.7(533) Certificate of approval
- 15.8(533) Change of location of a branch office

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MERGERS

- 16.1(533) Spin-offs
- 16.2(533) Plan requirements
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INVESTMENT AND DEPOSIT ACTIVITIES FOR CREDIT UNIONS

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- 17.3(533) Investment policies
- 17.4(533) Record keeping and documentation requirements
- 17.5(533) Discretionary control over investments and investment advisers
- 17.6(533) Credit analysis
- 17.7(533) Notice of noncompliant investments
- 17.8(533) Broker-dealers
- 17.9(533) Safekeeping of investments
- 17.10(533) Monitoring nonsecurity investments
- 17.11(533) Valuing securities
- 17.12(533) Monitoring securities
- 17.13(533) Permissible investment activities
- 17.14(533) Permissible investments
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- 17.16(533) Prohibited investments
- 17.17(533) Conflicts of interest
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- 17.19(533) Investment pilot program
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- 18.1(533) Definitions
- 18.2(533) Legal reserve required
- 18.3(533) Generally accepted accounting principles
- 18.4(533) Allowance for loan and lease losses
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CHAPTERS 19 to 23

Reserved

CHAPTER 24

ELECTRONIC TRANSFER OF FUNDS

- 24.1(527) Scope
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CHAPTER 19
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Rescinded **ARC 0938C**, IAB 8/7/13, effective 9/15/13

CHAPTER 20
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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 21
DECLARATORY ORDERS
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 22
CONTESTED CASES
Prior to 2/21/90, see 189—Chapter 14.
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 23
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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 25
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

189—25.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa credit union division.

189—25.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.9(17A,22) Disclosure without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

189—25.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 189—25.1(17A,22). The credit union division does not currently have a data processing system which matches, collates, or permits the comparison of personally identifiable information in another record system. The record systems maintained by the agency which may contain personally identifiable information are the files of current and former agency employees. This information is collected pursuant to Iowa Code section 533.106.

189—25.15(17A,22) Other groups of records routinely available for public inspection. This rule describes groups of records maintained by the agency other than record systems as defined in rule 189—25.1(17A,22). These records are routinely available to the public. However, the agency’s files of these records may contain confidential information as discussed in rule 25.13(17A,22). In addition, the records listed in subrules 25.15(1) to 25.15(4) may contain information about individuals. All records are stored on paper.

25.15(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

25.15(2) Credit union review board records. Agendas, minutes, and materials presented to the credit union review board are available from the office of the credit union division, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Credit union review board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier and is not stored in an automated data processing system.

25.15(3) *Publications.* News releases, annual reports, project reports, agency newsletters, etc., are available from the office of the credit union division.

Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees. This information is not retrieved by individual identifier and is not stored in an automated data processing system.

25.15(4) *Orders issued by the superintendent.* All findings of fact, conclusions of law, and orders issued by the superintendent of credit unions subsequent to a public hearing under the provisions of Iowa Code chapter 17A. These records may contain information about individuals making written or oral comments at the public hearing.

25.15(5) *Published materials.* The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

25.15(6) *Policy manuals.* The agency's employees' manual, containing the policies and procedures for programs administered by the agency, is available in the office of the agency. Subscriptions to all or part of the employees' manual are available at the cost of production and handling. Requests for subscription information should be addressed to Iowa Credit Union Division, 200 E. Grand Avenue, Suite 370, Des Moines, Iowa 50309. Policy manuals do not contain information about individuals.

25.15(7) *Reports to superintendent.* Reports obtained by the superintendent of credit unions pursuant to the provisions of Iowa Code section 533.330. These reports are considered open reports.

25.15(8) *Officers, directors and shareholders.* Lists filed with the superintendent of credit unions pursuant to the provisions of Iowa Code section 533.204. These reports are considered open records.

25.15(9) *Other records.* All other records that are not exempted from disclosure by law.

These rules are intended to implement Iowa Code section 22.11.

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

INSURANCE DIVISION[191]

[Prior to 10/22/86, see Insurance Department[510], renamed Insurance Division[191] under the “umbrella” of Department of Commerce by the 1986 Iowa Acts, Senate File 2175]

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CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

191—2.1(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.2(17A,22) Definitions. The definitions in Iowa Code section 22.1 are incorporated into this chapter by this reference. In addition to the definitions in rule 191—1.1(502,505), the following definitions apply:

“Confidential record” means a record that is not available as a matter of right for inspection and copying by members of the public under applicable provisions of law. Confidential records may be specified as confidential by Iowa Code section 22.7 or other provisions of law but may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“Division” means the insurance division of the department of insurance and financial services created by Iowa Code section 505.1. The division is both the “government body” and the “lawful custodian” as defined in Iowa Code sections 22.1(1) and 22.1(2), respectively. The division is also the “agency” as defined in Iowa Code chapter 17A and referenced in Iowa Code chapter 22. For purposes of this chapter, “division” includes both the commissioner of insurance and the administrator as defined in Iowa Code chapters 502 and 505.

“File,” “filed,” or “filing,” when used as a verb, means submitting or having submitted to the division a record or information. “File” or “filing,” when used as a noun, means a record or information.

“Inspect” or “inspection” means the same as “examine” or “examination” in Iowa Code chapter 22. The term “examination” in this chapter does not mean the same as “examination” as used in Iowa Code chapter 22.

“Lawful custodian,” as used in Iowa Code section 22.1(2), is the division, the division’s record officer, or an employee lawfully delegated authority by the division to act for the division in implementing Iowa Code chapter 22.

“Open record” means a record other than a confidential record.

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

“Record” means all or part of a “public record,” as defined in Iowa Code section 22.1, that is owned by or in the physical possession of the division.

“Record system” means any group of records under the control of the division from which a record may be retrieved by a personal identifier.

[ARC 7730C, IAB 3/20/24, effective 4/24/24]

191—2.3(17A,22) General provisions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.4(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.5(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.6(17A,22) Requests for confidential treatment. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.7(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.8(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.9(17A,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.10(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

191—2.11(17A,22) Personally identifiable information collected by the division. The division collects and maintains open records, some of which may contain personally identifiable information, and some of which may be shared with other state or federal agencies or organizations or vendors. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the division. Unless otherwise stated, the authority for the collection of the record is provided by Iowa Code chapter 502 or 505. Some personally identifiable information is protected by Iowa Code sections 502.607(2) “e” and 505.8(9).

2.11(1) *Nature and extent.* The following records may contain personally identifiable information:

a. Confidential records. Records listed as confidential records are described in rule 191—2.12(17A,22).

b. Rulemaking records. Rulemaking records may contain information about people who make written or oral comments about proposed rules.

c. Contested case records. Contested case records contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a contested case are contained in contested case records.

d. Licensing records. Licensing records of individuals and entities regulated by the division contain names and identifying numbers of the regulated individual or individuals designated as responsible for the regulated entity.

e. Complaint, inquiry, investigation, and examination records. Complaint, inquiry, investigation, and examination records contain names and identifying numbers of the people who submit, are the subject of, or are otherwise involved in the complaint, inquiry, investigation or examination.

f. Personnel files. The division maintains files containing information about employees of the division and applicants for positions with the division.

2.11(2) *Redaction.* To the extent that the division finds it necessary to allow inspection of records containing personally identifiable information, the division must, when allowed by law, redact the personally identifiable information prior to allowing the inspection.

2.11(3) *Means of storage.* Paper and various electronic means of storage are used to store records containing personally identifiable information.

[ARC 7730C, IAB 3/20/24, effective 4/24/24]

191—2.12(17A,22) Confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed ARC 4780C (Notice ARC 4660C, IAB 9/25/19), IAB 11/20/19, effective 12/25/19]

[Filed ARC 4949C (Notice ARC 4840C, IAB 1/1/20), IAB 2/26/20, effective 4/1/20]

[Filed ARC 5515C (Notice ARC 5389C, IAB 1/13/21), IAB 3/10/21, effective 4/14/21]

[Filed ARC 7730C (Notice ARC 7345C, IAB 1/24/24), IAB 3/20/24, effective 4/24/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 3
CONTESTED CASES

[Prior to 10/22/86, Insurance Department[510]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
WAIVER OF RULES AND DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Created by 1986 Iowa Acts, chapter 1245, under the “umbrella” of the Department of
Commerce[181]; renamed in 2006 Iowa Acts, House File 2521, section 52

CHAPTER 1 ORGANIZATION AND OPERATION

- 1.1(546) Purpose of Chapter 1
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- 1.5(546) Responsibilities of the boards
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- 1.8(272C,542,542B,543B,544A,544B,544C) Applicant contact information
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- 11.1(68B) Selling or leasing of goods or services by members of the department of inspections, appeals,
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CHAPTER 12 IMPAIRED LICENSEE REVIEW COMMITTEES

- 12.1(272C) Impaired licensee review committee

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15.2(272C) License application

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rescinded **ARC 8094C**, IAB 7/10/24, effective 8/14/24

UTILITIES COMMISSION[199]

Former Commerce Commission[250] renamed Utilities Division[199] under the “umbrella” of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

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CHAPTER 1
ORGANIZATION AND OPERATION
[Prior to 10/8/86, Commerce Commission[250]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/4/29

199—1.1(17A,474) Purpose. This chapter describes the organization and operation of the Iowa utilities commission (hereinafter referred to as commission).

[ARC 8325C, IAB 10/30/24, effective 12/4/24; Editorial change: IAC Supplement 7/8/26]

199—1.2(17A,474) Scope of rules. These rules apply to all matters before the commission.

[ARC 8325C, IAB 10/30/24, effective 12/4/24; Editorial change: IAC Supplement 7/8/26]

199—1.3(17A,474,476) Waivers. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

199—1.4(17A,474) Duties of the commission. The commission regulates the services and rates of certain electric, gas, telephone, water, sanitary sewer, and storm water drainage utilities pursuant to Iowa Code chapter 476. The commission also has jurisdiction over certification of electric power generators pursuant to Iowa Code chapter 476A, franchises for cable and video service providers pursuant to Iowa Code chapter 477A, dual party relay service pursuant to Iowa Code chapter 477C, construction and safety of electric transmission lines pursuant to Iowa Code chapter 478, and the construction and operation of pipelines and underground storage pursuant to Iowa Code chapters 479 and 479B.

[ARC 8325C, IAB 10/30/24, effective 12/4/24; Editorial change: IAC Supplement 7/8/26]

199—1.5(17A,474) Organization. The commission consists of the three-member commission, the technical and administrative staff, and the general counsel. The three-member commission is the policymaking body, and the chair serves as the administrator of the commission. As administrator, the chair is responsible for all administrative functions and decisions.

[ARC 8325C, IAB 10/30/24, effective 12/4/24; Editorial change: IAC Supplement 7/8/26]

199—1.6(17A,474) Matters applicable to all proceedings.

1.6(1) Communications. All communications to the commission, other than those filed through the commission's electronic filing system, may be addressed to the Iowa Utilities Commission, 1375 East Court Avenue, Des Moines, Iowa 50319-0069, unless otherwise specifically directed. Unless otherwise specifically provided, all communications and documents are officially filed upon receipt and acceptance at the office of the commission.

1.6(2) Office hours. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

[ARC 8325C, IAB 10/30/24, effective 12/4/24; Editorial change: IAC Supplement 7/8/26]

199—1.7(22) Public information and inspection of records.

1.7(1) Public information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

1.7(2) Definitions. Rescinded IAB 6/24/26, effective 6/1/26.

1.7(3) to 1.7(8) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

[ARC 8325C, IAB 10/30/24, effective 12/4/24; ARC 0375D, IAB 6/24/26, effective 6/1/26; Editorial change: IAC Supplement 7/8/26]

These rules are intended to implement Iowa Code sections 17A.3, 474.1, 474.5, 474.10, 476.1, and 476.2.

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[Filed Emergency ARC 0375D, IAB 6/24/26, effective 6/1/26]
[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 2

FORMS

[Prior to 10/8/86, Commerce Commission[250]]

Rescinded **ARC 7755C**, IAB 4/3/24, effective 5/8/24

CHAPTER 3

RULEMAKING

[Prior to 10/8/86, Commerce Commission[250]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4

DECLARATORY ORDERS

[Prior to 10/8/86, see Commerce Commission[250]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5

PROCEDURE FOR DETERMINING THE COMPETITIVENESS OF A COMMUNICATIONS SERVICE OR FACILITY

[Prior to 10/8/86, Commerce Commission[250]]

Rescinded **ARC 7629C**, IAB 2/7/24, effective 3/13/24

CORRECTIONS DEPARTMENT[201]

Rules transferred from Social Services Department[770] to Department of Corrections[291]; see 1983 Iowa Acts, chapter 96. Rules transferred from agency number [291] to [201] to conform with the 1986 reorganization numbering scheme in general, IAC Supp. 3/20/91.

Note: Iowa Code chapter 246 renumbered as chapter 904 and 247 renumbered as chapter 913 in 1993 Iowa Code.

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1.4(904)	Internet website
1.5(904)	Method by which and location where the public may obtain information or make submissions or reports
1.6(904)	Board of corrections
1.7(904)	Director
1.8(904)	Organization of the department

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20.6(904)	Publications
20.7(904)	Interviews and statements
20.8(904)	Guests of institution
20.9(904)	Donations
20.10(904)	Incarceration fees
20.11(904,910)	Restitution
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20.13(904)	Board of parole interviews
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CHAPTER 37

IOWA STATE INDUSTRIES

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37.4(904)	Offices

37.5(904)	Obtaining information from or reporting information to Iowa state industries
37.6(904)	Internet website
37.7(904)	Procurement of goods and services
37.8(904)	Prison industries advisory board
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TITLE III

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COMMUNITY-BASED CORRECTIONS ADMINISTRATION

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PRECONVICTION SERVICE

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CHAPTER 42

PROBATION SERVICES

42.1(907,908,910)	Probation

CHAPTER 43

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- 50.6(356,356A) Physical requirements for new and remodeled facilities—after June 30, 1984
- 50.7(356,356A) Physical requirements for new and remodeled facilities—after September 12, 2001
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CHAPTER 4

GENERAL ADMINISTRATION

Rescinded IAB 4/22/09, effective 5/27/09

CHAPTER 5

PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

[Prior to 3/20/91, Corrections Department[291]]

Rescinded **ARC 0328D**, IAB 6/10/26, effective 6/30/26

CHAPTER 6

PERSONNEL

Rescinded IAB 4/22/09, effective 5/27/09

CHAPTER 7

WAIVERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 8 and 9

Reserved

CHAPTER 10

RULE MAKING

[Prior to 3/20/91, Corrections Department[291]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11

DECLARATORY RULINGS

[Prior to 3/20/91, Corrections Department[291]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12

CONTESTED CASES

[Prior to 3/20/91, Corrections Department[291]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rules transferred from agency number 615 to 205 to conform with the reorganization numbering scheme in general.

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- 1.1(904A) Board description
- 1.2(904A) Board responsibilities
- 1.3(904A) Business location and hours
- 1.4(904A) Board meetings

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- 2.3(17A) Public rule-making docket
- 2.5(17A) Public participation
- 2.6(17A) Regulatory analysis
- 2.11(17A) Concise statement of reasons

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PETITIONS FOR RULE MAKING

(Uniform Rules)

- 3.1(17A) Petition for rule making
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CHAPTER 4

DECLARATORY ORDERS

(Uniform Rules)

- 4.1(17A) Petition for declaratory order
- 4.2(17A) Notice of petition
- 4.3(17A) Intervention
- 4.4(17A) Briefs
- 4.5(17A) Inquiries
- 4.6(17A) Service and filing of petitions and other papers
- 4.7(17A) Consideration
- 4.8(17A) Action on petition
- 4.9(17A) Refusal to issue order
- 4.12(17A) Effect of a declaratory order

CHAPTER 5

FAIR INFORMATION PRACTICES

- 5.1(17A,22) Definitions
- 5.2(17A,22) Statement of policy
- 5.3(17A,22) Requests for access to records
- 5.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
- 5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 5.7(17A,22) Consensual disclosure of confidential records
- 5.8(17A,22) Routine use
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- 5.14(17A,22) Applicability

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PUBLIC COMMUNICATIONS AND RECORDS

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- 6.2(22) Communications from persons other than victims
- 6.3(22) Examination of board records
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- 7.2(915) Victim registration
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- 7.6(915) Appearances at parole interviews
- 7.7(915,22) Disclosure of victim information

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- 8.1(906) Purpose of parole and work release considerations
- 8.2(904,906) Parole and work release eligibility
- 8.3(904A) Risk assessment
- 8.4(906) Parole and work release considerations
- 8.5(906) Parole and work release information
- 8.6(906) Interview notice
- 8.7(906) Continuance
- 8.8(906) Factors considered in parole and work release decisions
- 8.9(906) Information disclosure to inmate
- 8.10(906) Interview procedure
- 8.11(906) Case review procedure
- 8.12(906) Conduct at parole proceedings
- 8.13(904,906) Parole authorized following work release
- 8.14(906) Notice of parole and work release decisions
- 8.15(906) Parole authorized following work release

CHAPTER 9 CERTIFICATES OF EMPLOYABILITY

- 9.1(906) Definitions
- 9.2(906) Certificates of employability
- 9.3(906) Issuance of a certificate of employability
- 9.4(906) Certificate not to be deemed a pardon

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- 10.2(906) Parole supervision
- 10.3(906) Parole or work release agreement

CHAPTER 11 PAROLE REVOCATION

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- 11.2(908) Work release day reporting revocation
- 11.3(908) Revocation initiated
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- 11.6(908) Parole violation report
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EXECUTIVE CLEMENCY

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- 13.2(902) Review of inmates serving life terms
- 13.3(914) Executive clemency applications
- 13.4(914,902) Board investigation
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WAIVERS

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- 15.13(17A) Cancellation of a waiver
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CHAPTER 1
ORGANIZATION AND GENERAL ADMINISTRATION
[Prior to 2/22/89, Parole, Board of[615] Chs 1 and 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/15/30

205—1.1(904A) Board description.

1.1(1) The board of parole is established by Iowa Code chapter 904A and consists of five members, including a chairperson and vice chairperson.

1.1(2) Requirements for the composition of the board and the selection of a chairperson, a vice chairperson, and board members are set out in Iowa Code chapter 904A.

1.1(3) As used in the rules of the board of parole, the term “board” means the Iowa board of parole.
[ARC 8436C, IAB 12/11/24, effective 1/15/25]

205—1.2(904A) Board responsibilities. The statutory responsibilities of the board are set out in Iowa Code chapter 904A.

[ARC 8436C, IAB 12/11/24, effective 1/15/25]

205—1.3(904A) Business location and hours. The board’s business office address is Jessie Parker Building, 510 East 12th Street, Des Moines, Iowa 50319; telephone 515.725.5757. Business hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[ARC 8436C, IAB 12/11/24, effective 1/15/25]

205—1.4(904A) Board meetings.

1.4(1) Meetings. The board may conduct the following meetings:

a. Business meeting. The board may meet each month to consider rules, procedures and other matters.

b. Public hearing. The board may conduct a public hearing to solicit input and comment on parole and work release procedures.

c. Board session. Board sessions will be held each month at any location designated by the chairperson. A board session may include:

- (1) Parole and work release case reviews;
- (2) Parole and work release interviews;
- (3) Parole rescission;
- (4) Parole discharge reviews; and
- (5) Executive clemency reviews.

1.4(2) Quorum.

a. A majority of the members of the board constitutes a quorum.

b. The chairperson designates panels composed of at least three board members to conduct board sessions except as provided herein.

1.4(3) Majority vote. All questions are decided by a majority vote of the members.

1.4(4) Minutes. The board keeps copies of the minutes of board meetings on file at the business office. The list of individuals considered by the board for action constitutes the minutes of a board session.

1.4(5) Public notice and agenda. The board establishes the date, time, and location of all meetings. The board gives public notice of all meetings pursuant to Iowa Code chapter 21. The board mails copies of, or provides by electronic means, notices of public meetings and a tentative agenda to news media that have so requested. When it is determined that an emergency meeting is required, the board notifies any news media that have requested notification as soon as the need for an emergency meeting has been decided. The nature of the emergency will be stated in the minutes.

1.4(6) Public access to meetings. Members of the public have access to board meetings as provided in Iowa Code chapter 21. Persons wishing to appear before the board will submit their requests to the business office not less than three days prior to the business meeting. Members of the public wishing to attend board

meetings conducted in department of corrections penal institutions should consult, in advance, department of corrections administrative rules relating to visitation and public access.

1.4(7) *Electronic meetings.* The board may conduct a meeting by electronic means as provided in Iowa Code section 21.8.

[ARC 8436C, IAB 12/11/24, effective 1/15/25]

These rules are intended to implement Iowa Code chapter 904A.

[Filed 7/26/76, Notice 1/26/76—published 8/9/76, effective 9/13/76]

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[Filed ARC 8436C (Notice ARC 8209C, IAB 9/18/24), IAB 12/11/24, effective 1/15/25]

HISTORICAL DIVISION[223]

[Prior to 5/31/89, see Historical Department[490]
created under the “umbrella” of the Department of Cultural Affairs[221] by
Iowa Code section 303.1]

TITLE I

GENERAL SOCIETY PROCEDURES

CHAPTER 1

DESCRIPTION OF ORGANIZATION

1.1(303)	Purpose
1.2(17A,303)	Definitions
1.3(303)	Mission statement
1.4(303)	Organization
1.5(303)	Facilities management
1.6(303)	Board of trustees
1.7(303)	Gifts, bequests, endowments
1.8(303)	Public and private grants and donations
1.9(303)	Sale of mementos

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Reserved

TITLE II

Reserved

CHAPTERS 10 to 12

Reserved

TITLE III

HISTORICAL SOCIETY— GENERAL POLICIES

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COLLECTIONS POLICIES

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13.4(303)	Management of collections
13.5(303)	Acquisition
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EXHIBITIONS POLICIES

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PUBLICATION POLICIES AND SERVICES

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15.6(303)	Books and monographs
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TITLE IV

PUBLIC ACCESS PROCEDURES

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MEMBERSHIP IN THE SOCIETY

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21.3(303)	Awards

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HISTORICAL LIBRARY AND STATE ARCHIVES PUBLIC ACCESS POLICIES AND SERVICES

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CHAPTER 23

HISTORICAL MARKERS PROGRAM

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23.3(303)	Selection of historical markers
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TITLE V

HISTORIC PRESERVATION PROGRAMS

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ADMINISTRATION

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EDUCATION PROGRAM

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39.2(303)	Regulations
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Reserved

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- 41.2(303) Regulations
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HISTORIC PROPERTY REHABILITATION TAX EXEMPTION

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- 47.2(303) Definitions
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TITLE VII

TITLE I
GENERAL SOCIETY PROCEDURES

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DESCRIPTION OF ORGANIZATION

[Prior to 5/31/89, see Historical Department[490] Chs 1, 2, 5, 10 and Historical Division[223] Ch 13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

223—1.1(303) Purpose. This chapter describes the purposes of the society; the service locations; internal organization; and the board of trustees of the society.

223—1.2(17A,303) Definitions. The definitions listed in Iowa Code section 17A.2 shall apply for terms as they are used in 223—Chapters 1 to 50. In addition, the following definitions apply:

“*Administrator*” means the administrator of the historical division of the department of cultural affairs.

“*Board of trustees of the society*” or “*board*” means the 12-member advisory board of the historical division of the department of cultural affairs.

“*Bureau*” means a subdivision within the historical division of the department of cultural affairs.

“*Department*” means the department of cultural affairs.

“*Director*” means the director of the department of cultural affairs.

“*Historical division*” means the division of the department of cultural affairs, also termed the “society.”

“*Society*” means the state historical society of Iowa.

“*Trustees*” means the board of trustees of the society.

223—1.3(303) Mission statement. The state historical society of Iowa has a dual mission of preservation and education. As a trustee of Iowa’s historical legacy, the state historical society of Iowa identifies, records, collects, preserves, manages, and provides access to Iowa’s historical resources. As an advocate of understanding Iowa’s past, the state historical society of Iowa educates Iowans of all ages, conducts and stimulates research, disseminates information, and encourages and supports historical preservation and education efforts of others throughout the state.

The state historical society of Iowa is the state agency created and empowered by the general assembly as the official trustee of Iowa’s human heritage. The society has the responsibility and authority to:

- Identify, record, collect, preserve, and manage the manifestations of Iowa’s history;
- Interpret and disseminate Iowa history;
- Conduct, stimulate, produce, and share scholarly research on Iowa history;
- Promote and coordinate the teaching of Iowa history;
- Advocate the preservation and stewardship of Iowa’s historical resources; and
- Enter into agreements with nonprofit corporations to undertake activities of benefit to the society.

223—1.4(303) Organization.

1.4(1) Administrator. The administrator of the society is appointed by the director of the department of cultural affairs and serves at the director’s pleasure. In accordance with Iowa Code section 303.2(2c), the administrator serves as the state historic preservation officer. The administrator selects all society personnel and manages the operation of all society programs and facilities. The administrator operates from offices located at the State Historical Building, 600 East Locust Street, Des Moines, Iowa.

1.4(2) Bureaus. The society may organize its activities into any number of bureaus.

223—1.5(303) Facilities management.

1.5(1) Locations.

a. The society operates two major facilities: The State Historical Building, 600 East Locust Street, Des Moines, Iowa 50319, and the Centennial Building, 402 Iowa Avenue, Iowa City, Iowa 52240.

b. The society also operates eight historic sites:

(1) Abbie Gardner Sharp Cabin, Arnolds Park, Iowa 51331;

- (2) American Gothic House, Eldon, Iowa 52554;
- (3) Blood Run National Historic Landmark, Inwood, Iowa 51240;
- (4) Matthew Edel Blacksmith Shop, Haverhill, Iowa 50120;
- (5) Montauk, Union Sunday School, and Clermont Museum, Clermont, Iowa 52135;
- (6) Plum Grove, Iowa City, Iowa 52240;
- (7) Toolesboro Mounds National Historic Landmark, Wapello, Iowa 52653; and
- (8) Western Historic Trails Center, 3434 Richard Downing Avenue, Council Bluffs, Iowa 51501.

1.5(2) Internet website. The society's Internet home page is located at www.iowahistory.org.

1.5(3) Hours and days of operation. Public hours and days of operation shall be posted at each society facility and on the society's Internet website. The hours for all facilities shall be approved by the director, or designee, upon recommendation of the administrator. Changes in the hours for a facility shall be effective upon 30 days' notice as posted.

1.5(4) Fees. Fees may be charged and collected by the society and shall be administered according to Iowa Code section 303.9. Fees may be charged for, but are not limited to: facilities rental; group tours; educational programs; speaking engagements; photocopying and document reproduction; census searches; photographic searches and reproduction; electronic distribution of materials; rights to publish; conservation and consultation services; artifact and specimen identification and reference; vital records searches and verification; reference, consultation and technical services; research and application processing; admissions; memberships; and subscriptions.

1.5(5) Facilities use. Resource protection is the underlying principle guiding the use of society facilities. This subrule sets forth conditions of public use which apply to all society facilities. Additional restrictions or exceptions pertain to specific facilities as listed in subrule 1.5(6).

a. Individuals and groups. All facilities of the society are open to individuals in accordance with the posted schedule. Groups may arrange for educational programs and group tours by contacting the society.

b. Facility rentals. Certain facilities of the society are available for rental. An individual or group renting a society facility shall be liable for all damage to the facility. The renter shall be billed for the cost of repairs, extraordinary cleaning, and, if necessary, the collection of costs related to any damage caused during rental.

c. Pets. With the exception of those assisting the deaf and hard of hearing or visually impaired, pets shall be prohibited in society buildings. All pets on the grounds of any society facility shall be on a leash and under the direct supervision of the owner. The owner assumes all liability for pets brought onto the grounds of a society facility.

d. Smoking. Smoking shall be prohibited in all society facilities.

e. Food and drink. Consumption of food and beverages shall be prohibited in all society facilities except in specific areas designated by the director, or designee, upon recommendation of the administrator.

f. Camping. Camping shall be prohibited at all society facilities, except for special events approved by the director, or designee, upon recommendation of the administrator.

1.5(6) Use of specific facilities.

a. State Historical Building.

(1) All operations are in accordance with 11—subrule 100.4(3), Iowa Administrative Code. The society may contract with a nonprofit corporation to operate a facility rental program. Details concerning the rental program may be obtained from the facilities rental coordinator, State Historical Society of Iowa, 600 East Locust Street, Des Moines, Iowa 50319, or at www.iowahistory.org.

(2) A contract for use of any part of the state historical building shall be executed prior to the event. This contract shall identify, at a minimum, the group using the facility, purpose of the use, person or group legally responsible, all fees to be assessed, and exact date and time of the event. A contract shall be initiated with the facilities rental coordinator and shall be approved by the director or designee.

(3) Alcoholic beverages may be served at functions in the state historical building if a fully approved alcoholic beverages application is executed prior to the event. This application shall attest that all laws of the state of Iowa and the city of Des Moines pertaining to alcoholic beverages will be obeyed and that

all liability rests with the group using the facility. All alcoholic beverage service shall be provided by the licensee designated by the department of cultural affairs.

(4) Programming. Group tours of the state historical building and educational programming are available. Prior scheduling may be required for tours and programming. An inquiry about arrangements of a museum tour may be directed to the State Historical Society of Iowa, 600 East Locust Street, Des Moines, Iowa 50319.

b. Centennial Building.

(1) The society provides program services of the library and publications bureau at this location. Meeting rooms and other facilities are available for use by groups.

(2) Group tours. Educational tours of the library are available only on a prearranged basis. An inquiry about arrangements for a tour may be directed to the Bureau Chief, Centennial Building, 402 Iowa Avenue, Iowa City, Iowa 52240.

c. Abbie Gardner Sharp Cabin. This site is protected under guidelines established in the Abbie Gardner Sharp Cabin management plan in accordance with the Secretary of the Interior's Standards for Historic Preservation. A request for research use of the site shall be directed to the society. A research request shall be reviewed by the historic sites coordinator and recommended for action to the administrator within 30 days.

d. American Gothic House. This site is protected by the society in accordance with the Secretary of the Interior's Standards for Historic Preservation. Copies of the guidelines and applications for use of the site shall be available from the society.

e. Blood Run National Historic Landmark.

(1) This site is managed by the Executive Director, Lyon County Conservation Board, RR 1, Box 44, Inwood, Iowa 51240, through a cooperative agreement with the society.

(2) This site is protected under guidelines established in a law enforcement agreement between the society and the Lyon County Conservation Board and in accordance with the Secretary of the Interior's Standards for Historic Preservation.

(3) A request for research use of the site shall be directed to the society. A research request shall be reviewed by the historic sites coordinator and recommended for action to the administrator within 30 days.

f. Matthew Edel Blacksmith Shop.

(1) Site protection. The site is protected under guidelines established in cooperative agreements between the society, the Historical Society of Marshall County and the city of Haverhill in accordance with the Secretary of the Interior's Standards for Historic Preservation. A request for research use of the site shall be directed to the society. A research request shall be reviewed by the historic sites coordinator and recommended for action to the administrator within 30 days.

(2) Private use by groups. Picnicking is permitted at this site. A shelter house is available. Arrangements for use of the shelter house may be made by contacting the City Council, Haverhill, Iowa 50120.

g. Montauk, Union Sunday School, Clermont Museum.

(1) Site protection. Montauk is a state preserve. Management complies with all provisions of Iowa Code chapter 465C, 575—Chapter 2, Iowa Administrative Code, and the articles of dedication for Montauk as a state preserve. A request for research use of the site shall be directed to the society. A research request shall be reviewed by the site manager and the historic sites coordinator and recommended for action to the administrator within 30 days.

(2) Hunting shall not be permitted on this site.

(3) Group tours. Tours of Montauk, Union Sunday School, and Clermont Museum shall be available on a prearranged basis. An inquiry about arrangements for a tour may be directed to the Site Manager, Montauk, Clermont, Iowa 52135.

(4) Private use by groups. The facilities may be available on a prearranged basis for use by historical and cultural interest groups. An inquiry may be directed to the Site Manager, Montauk, Clermont, Iowa 52135.

h. Plum Grove.

(1) Site protection. The site is protected under guidelines established in a cooperative agreement between the society and the Johnson County Historical Society and in accordance with the Secretary of the Interior's Standards for Historic Preservation. A request for research use of the site shall be directed to the society. A research request shall be reviewed by the historic sites coordinator and recommended for action to the administrator within 30 days.

(2) Picnicking is permitted at the site.

(3) Group tours. Tours shall be available only on a prearranged basis. An inquiry about arrangements for a tour shall be directed to the Site Manager, Johnson County Historical Society, 310 5th Street, Coralville, Iowa 52241.

(4) Private use by groups. The facilities may be available on a prearranged basis for use by historical and cultural interest groups. An inquiry may be directed to the Site Manager, Johnson County Historical Society, 310 5th Street, Coralville, Iowa 52241.

i. Toolesboro Mounds National Historic Landmark.

(1) Site protection. Toolesboro Mounds National Historic Landmark is a state preserve. Management complies with all provisions of Iowa Code chapter 465C, 575—Chapter 2, Iowa Administrative Code, and the articles of dedication for Toolesboro Mounds National Historic Landmark as a state preserve. A request for research use of the site shall be directed to the society. A research request shall be reviewed by the historic sites coordinator and recommended for action to the administrator within 30 days.

(2) Group tours. Tours are available on a prearranged basis. An inquiry may be directed to the Louisa County Conservation Board, Box 261, 601 Highway 61 North, Wapello, Iowa 52653.

j. Western Historic Trails Center.

(1) Parking. Parking is permitted in designated areas at the site. No overnight parking shall be permitted at the site without written approval by the site manager.

(2) Group tours. Tours by groups, during normal days and hours of operation, shall be available on a prearranged basis. An inquiry about arrangements for a tour shall be directed to the Site Manager, Western Historic Trails Center, 3434 Richard Downing Avenue, Council Bluffs, Iowa 51501.

(3) Private use by groups. The facilities may be available on a prearranged basis for use by historical and cultural interest groups. An inquiry may be directed to the Site Manager, Western Historic Trails Center, 3434 Richard Downing Avenue, Council Bluffs, Iowa 51501.

(4) Admission fee. No admission fee shall be charged at the site.

[ARC 5730C, IAB 6/30/21, effective 8/4/21]

223—1.6(303) Board of trustees.

1.6(1) Function. The function of the society board of trustees is to advise the administrator of the society and to stimulate interest in the history of Iowa among the general public, as well as other functions that are not contrary to the Iowa Code.

1.6(2) Composition. Two categories of membership exist for the board of trustees:

a. Elected members. In compliance with Iowa Code subsection 303.4(1), three members of the board of trustees shall be elected annually. The board of trustees shall establish written procedures for the conduct of the election. A society member may nominate a candidate by contacting the administrator. Each member of the society shall be entitled to one vote regardless of membership category. Elected board members shall serve three-year, staggered terms of office. Terms of office shall begin on May 1 consistent with Iowa Code section 69.19.

b. Appointed members. In compliance with Iowa Code subsection 303.4(1), the governor shall appoint nine members to the board. Terms of office shall be in accordance with Iowa Code subsection 303.4(2) and consistent with Iowa Code section 69.19.

1.6(3) Officers. Pursuant to Iowa Code section 303.6, the board of trustees of the society shall annually elect a chairperson and a vice chairperson from its membership. The administrator of the society serves as secretary to the board of trustees. Election of officers shall be held annually at the first meeting of the board following the installation of new members. Election is by a two-thirds vote of all board members.

1.6(4) Meetings. The board of trustees shall meet at least four times per year in accordance with a schedule established by the board. A two-thirds majority of all members of the board shall constitute a quorum to conduct business. All meetings are open to the public under Iowa Code chapter 21. Public notice of all meetings shall be posted in accordance with Iowa Code chapter 21.

1.6(5) Committees—appointment. Committees of the board of trustees may be appointed on an ad hoc basis by the chairperson of the board. Nonboard members may be appointed to committees.

1.6(6) Conflict of interest.

a. Definitions. The following definitions apply in this subrule:

“*Affinity*” means the relationship of a spouse.

“*Consanguinity of the second degree*” means a blood relationship of the second degree such as a brother/sister, grandparent, grandchild.

“*Contract*” means any claim, account, job of work, grant application, provision of materials, or manuscript submitted for remuneration.

b. A board member who has an interest, either direct or indirect, within consanguinity of the second degree, in any contract in which the society is or might become a party shall disclose the interest to the board. The interest shall be noted in the minutes of a board meeting. When the contract requires board action, the affected member shall not participate in any discussion or action by the board with respect to the contract. The affected member shall be disqualified from voting on the contract issue by reason of the conflict. The quorum of the board shall not be changed as the result of a conflict of interest disqualification.

223—1.7(303) Gifts, bequests, endowments. The society may accept private gifts, bequests, and endowments with such gifts credited to the account of the society. Accepted gifts, bequests, and endowments shall be used in accordance with the desire of the donor as expressed at the time of the donation. Undesignated funds shall be credited to the society and used for projects and activities of the society as recommended by the administrator of the society. Gifts may be deposited directly into the account of the society, or, in accordance with Iowa Code section 353.7(4), the society may enter into an agreement with a nonprofit corporation to accept and manage gifts, bequests and endowments.

223—1.8(303) Public and private grants and donations. The department, acting on behalf of the society, may apply for and receive funds from public and private sources. Receipts from these grants shall be credited to the account of the society and used in accordance with the stipulation of the grants contract. In accordance with Iowa Code section 303.7(4), the society may enter into an agreement with a nonprofit corporation to accept public and private grants and donations.

223—1.9(303) Sale of mementos. The department, acting on behalf of the society, may sell mementos or other items relating to Iowa and its history and culture at the society’s facilities.

1.9(1) Operator of gift shops. The society may enter into an agreement with a nonprofit corporation for the operation of gift shops, including facilities, merchandise, and promotion. The society shall require an accounting of all receipts and expenditures of the gift shops.

1.9(2) Income. Net proceeds from rental, lease, sale, and fees shall be deposited into the account of the society.

These rules are intended to implement Iowa Code sections 303.1A, 303.2, and 303.4 to 303.18.

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ECONOMIC DEVELOPMENT AUTHORITY[261]

[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 1/14/87, see Iowa Development Commission[520] and
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[Prior to 9/7/11, see Economic Development, Iowa Department of[261];renamed Economic
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RECORDSCHAPTER 195
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

[Prior to 9/6/00, see 261—Ch 100]

[Prior to 7/4/07, see 261—Ch 169]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

261—195.1(15,22) Definitions. As used in this chapter:

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

“Confidential records” means records, as identified in Iowa Code section 15.118 or 22.7 or any other provision of law, that are not disclosed to members of the public unless otherwise ordered by a court, by the custodian of the records, or by another person duly authorized to release the records. A record may be partially or wholly confidential.

“Custodian” means a lawful custodian as defined in Iowa Code section 22.1.

“Open record” means a record other than a confidential record.

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

“Record” means the whole or a part of a “public record” as defined in Iowa Code section 22.1 that is owned by or is in the physical possession of the authority.

“Record system” means any group of records under the control of the authority from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

“Request for confidential treatment” means a request, made pursuant to rule 261—195.4(15,22), for the authority to treat a record as a confidential record and withhold such record from public inspection.

[ARC 9138C, IAB 4/16/25, effective 5/21/25]

261—195.2(15,22) Requests for access to authority records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.3(15,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.4(15,22) Requests for confidential treatment. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.5(15,22) Additions, dissents or objections. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.6(15,22) Notices to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.7(15,22) Disclosure of records—consent. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.8(15,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

261—195.9(15,22) Personally identifiable information.

195.9(1) Collection, maintenance, and retrieval. The authority collects personally identifiable information pursuant to Iowa Code provisions relating to the responsibilities of the authority, including but not limited to Iowa Code chapters 15, 15E, 15J, 73, 404A, and 473; Iowa Code sections 403.19A

and 476.46A; and other applicable laws relating to the responsibilities of the authority. Personally identifiable information is stored by electronic and physical methods. The authority's record systems do not match, collate or compare personally identifiable information in each system with personally identifiable information contained in other record systems. The authority's record systems can collect, maintain and retrieve information by personal identifiers, including names, mailing addresses, and email addresses. This rule describes the nature and extent of personally identifiable information that is collected, maintained and retrieved by the authority by personal identifier in record systems.

195.9(2) *Program records.* Records of persons or organizations participating in the authority's programs are collected by the authority. These records may contain information about individuals collected pursuant to specific federal or state statutes or regulations. Personally identifiable information, such as name, address, social security number and telephone number, may be included in these records when the applicant is an individual. Portions of program records may be confidential pursuant to Iowa Code section 22.7 or other applicable law.

195.9(3) *Correspondence.* Records of correspondence from persons outside the authority or sent to persons outside the authority may contain personally identifiable information provided by the sender or recipient of such correspondence. Portions of correspondence may be confidential pursuant to Iowa Code section 22.7 or other applicable law.

195.9(4) *Litigation files.* The authority maintains records regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. These records contain materials that are confidential as attorney work product and attorney-client communications pursuant to Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa Rule of Civil Procedure 1.503(3); Federal Rule of Civil Procedure 26(b)(3); the rules of evidence; the Code of Professional Responsibility; and case law. Some materials are confidential under other applicable provisions of law or as directed by a court order.

195.9(5) *Personnel files.* The authority maintains files containing information about employees, families and dependents, and applicants for positions with the authority. Portions of personnel files may be confidential pursuant to Iowa Code section 22.7(11).

[ARC 9138C, IAB 4/16/25, effective 5/21/25]

261—195.10(15,22) Other groups of records. This rule describes groups of records maintained by the authority other than record systems. These records are routinely available to the public. All or portions of such records may contain confidential information pursuant to Iowa Code section 22.7 or other applicable law. The records are stored by electronic and physical methods.

195.10(1) *Rulemaking records.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

195.10(2) *Meeting records.* Agendas, minutes and materials presented to boards and other bodies associated with the authority are available from the authority, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5(4) or that are otherwise confidential by law. Authority meeting records contain information about people who participate in meetings. The information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier.

195.10(3) *Publications.* News releases, annual reports, project reports, newsletters, and related documents are available from the authority. Authority news releases, project reports, and newsletters may contain information about individuals, including authority staff. This information is not retrieved by individual identifier.

195.10(4) *Statistical reports.* Periodic reports for various authority programs are available from the authority. Statistical reports do not contain personally identifiable information.

195.10(5) *Published materials.* The authority uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

195.10(6) *Policy manuals.* The authority employees' manual, containing procedures describing the authority's regulations and practices, is available. Policy manuals do not contain information about individuals.

195.10(7) *Other records.* All other records that are not exempt from disclosure by law are available from the authority.

[ARC 9138C, IAB 4/16/25, effective 5/21/25]

261—195.11(15,22) *Applicability.* Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 15 and 22.

[Filed emergency 5/27/88 after Notice 4/20/88—published 6/15/88, effective 7/1/88]

[Filed without Notice 8/18/00—published 9/6/00, effective 10/11/00]

[Filed 6/20/03, Notice 4/16/04—published 7/9/03, effective 8/13/03]

[Filed emergency 6/15/07—published 7/4/07, effective 6/15/07]

[Filed 8/22/07, Notice 7/4/07—published 9/26/07, effective 10/31/07]

[Filed ARC 9138C (Notice ARC 8663C, IAB 12/25/24), IAB 4/16/25, effective 5/21/25]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 196
AGENCY PROCEDURE FOR RULEMAKING

[Prior to 9/6/00, see 261—Ch 101]

[Prior to 7/4/07, see 261—Ch 170]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 197
PETITION FOR RULEMAKING

[Prior to 7/19/95, see 261—Ch 2]

[Prior to 9/6/00, see 261—Ch 102]

[Prior to 7/4/07, see 261—Ch 171]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 198
PETITION FOR DECLARATORY ORDER

[Prior to 7/19/95, see 261—Ch 3]

[Prior to 9/6/00, see 261—Ch 103]

[Prior to 7/4/07, see 261—Ch 172]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 199
WAIVERS FROM ADMINISTRATIVE RULES

[Prior to 9/6/00, see 261—Ch 104]

[Prior to 7/4/07, see 261—Ch 173]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CITY DEVELOPMENT BOARD[263]

[Chapters 1 and 2, IAC 7/27/77, superseded by Chapters 1 to 4, effective 4/12/78]

[Prior to 1/9/91, City Development Board[220]]

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3

PETITIONS FOR RULEMAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4

DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5

FAIR INFORMATION PRACTICES

[Prior to 1/9/91, City Development Board[220] Ch 6]

[Prior to 12/11/02, see 263—Ch 6]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6

WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

IOWA FINANCE AUTHORITY[265]

[Prior to 7/26/85, Housing Finance Authority[495]]

[Prior to 4/3/91, Iowa Finance Authority[524]]

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CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/23/30

265—13.1(16,22) Definitions. As used in this chapter:

“*Authority*” means the Iowa finance authority created in Iowa Code section 16.1A.

“*Confidential records*” means records, as identified in Iowa Code section 22.7 or any other provision of law, that are not disclosed to members of the public unless otherwise ordered by a court, by the custodian of the records, or by another person duly authorized to release the records. A record may be partially or wholly confidential.

“*Custodian*” means a lawful custodian as defined in Iowa Code section 22.1.

“*Open record*” means a record other than a confidential record.

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

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1 that is owned by or is in the physical possession of the authority.

“*Record system*” means any group of records under the control of the authority from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

“*Request for confidential treatment*” means a request, made pursuant to rule 265—13.4(16,22), for the authority to treat a record as a confidential record and withhold such record from public inspection.

[ARC 9031C, IAB 3/19/25, effective 4/23/25]

265—13.2(16,22) Requests for access to authority records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.3(16,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.4(16,22) Requests for confidential treatment. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.5(16,22) Additions, dissents or objections. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.6(16,22) Notices to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.7(16,22) Disclosure of records—consent. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.8(16,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

265—13.9(16,22) Personally identifiable information.

13.9(1) The authority collects personally identifiable information pursuant to Iowa Code chapter 16, federal statutes and regulations governing federal programs and the issuance of debt by the authority, and other applicable laws. Personally identifiable information is stored by electronic and physical methods. The authority’s record systems do not match, collate or compare personally identifiable information in each system with personally identifiable information contained in other record systems. The authority’s record systems can collect, maintain and retrieve information by personal identifiers, including names, mailing addresses, and email addresses. This rule describes the nature and extent of personally identifiable

information that is collected, maintained and retrieved by the authority by personal identifier in record systems.

13.9(2) *Program records.* Records of persons or organizations participating in the authority's programs are collected by the authority. These records may contain information about individuals collected pursuant to specific federal or state statutes or regulations. Personally identifiable information, such as name, address, social security number and telephone number, may be included in these records when the applicant is an individual. Portions of program records may be confidential pursuant to Iowa Code section 22.7 or other applicable law.

13.9(3) *Correspondence.* Records of correspondence from persons outside the authority or sent to persons outside the authority may contain personally identifiable information provided by the sender or recipient of such correspondence. Portions of correspondence may be confidential pursuant to Iowa Code section 22.7 or other applicable law.

13.9(4) *Litigation files.* The authority maintains records regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. These records contain materials that are confidential as attorney work product and attorney-client communications pursuant to Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa Rule of Civil Procedure 1.503(3); Federal Rule of Civil Procedure 26(b)(3); the rules of evidence; the Code of Professional Responsibility; and case law. Some materials are confidential under other applicable provisions of law or as directed by a court order.

13.9(5) *Personnel files.* The authority maintains files containing information about employees, families and dependents, and applicants for positions with the authority. Portions of personnel files may be confidential pursuant to Iowa Code section 22.7(11).

13.9(6) *Bond records.* The authority maintains records related to bonds as provided in Iowa Code section 76.10. Such records may be confidential pursuant to Iowa Code section 22.7(17).

[ARC 9031C, IAB 3/19/25, effective 4/23/25]

265—13.10(16,22) Other groups of records. This rule describes groups of records maintained by the authority other than record systems. These records are routinely available to the public. All or portions of such records may contain confidential information pursuant to Iowa Code section 22.7 or other applicable law. The records are stored by electronic and physical methods.

13.10(1) *Rulemaking records.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

13.10(2) *Meeting records.* Agendas, minutes and materials presented to boards and other bodies associated with the authority are available from the authority, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5(4) or that are otherwise confidential by law. Authority meeting records contain information about people who participate in meetings. The information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier.

13.10(3) *Publications.* News releases, annual reports, project reports, newsletters, and related documents are available from the authority. Authority news releases, project reports, and newsletters may contain information about individuals, including authority staff. This information is not retrieved by individual identifier.

13.10(4) *Statistical reports.* Periodic reports for various authority programs are available from the authority. Statistical reports do not contain personally identifiable information.

13.10(5) *Published materials.* The authority uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

13.10(6) *Policy manuals.* The authority employees' manual, containing procedures describing the authority's regulations and practices, is available. Policy manuals do not contain information about individuals.

13.10(7) *Other records.* All other records that are not exempt from disclosure by law are available from the authority.

[ARC 9031C, IAB 3/19/25, effective 4/23/25]

265—13.11(16,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 16 and 22.

[Filed emergency 8/19/88 after Notice 3/23/88—published 9/7/88, effective 8/19/88]

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 15 PURCHASING

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/13/30

265—15.1(16) Applicability of competitive bidding.

15.1(1) Goods or services expected to cost more than \$50,000 in the aggregate will be obtained through a formal or informal competitive bidding process conducted by the authority or through the department of administrative services whenever such procurement is in the best interests of the authority as determined by the authority. Goods or services expected to cost \$50,000 or less in the aggregate may be obtained in any manner deemed appropriate by the authority.

15.1(2) Notwithstanding the foregoing, the authority may exempt any item from competitive bidding if the item is noncompetitive or is purchased in quantities too small to be effectively purchased through competitive bidding; if there is an immediate or emergency need for the item; if the purchase of the item facilitates compliance with set-aside procurement provisions; or if the director of the authority determines, in the director's sole discretion, that the authority's best interests will be served by exemption from the bidding process.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.2(16) Methods of obtaining bids or proposals used by the authority. Formal or informal bids or proposals may be obtained by one of the following methods.

15.2(1) *Request for bids.*

a. The authority may prepare a request for bids for providing the goods or services sought by the authority. The request may be shared on the state website for bid opportunities, shared on the authority's website, sent directly to vendors, or distributed in other means determined by the authority. The authority may use reverse auction methods to obtain goods and services.

b. The request for bids will include the due date and time of the bid opening, a description of the goods or services needed, and other information deemed necessary by the authority.

c. The authority will tabulate results as bids are opened.

d. The authority will make an award by the date identified in the request for bids. The price quoted by the vendors shall remain binding for the time period indicated in the request for bids. If an award is not made within the time frame indicated by the authority when requesting bids, all bids may be deemed rejected.

15.2(2) *Informal bids.*

a. The authority may obtain informal bids through use of a written bid form, in electronic format, or in other manners determined appropriate by the authority. The authority will describe the goods or services sought by the authority, the date by which bids must be submitted, the anticipated award date and other information deemed necessary by the authority. The authority may use reverse auction methods to obtain goods and services.

b. The authority will tabulate results as bids are opened.

c. If an award is not made within the time frame indicated by the authority when requesting bids, all bids may be deemed rejected.

15.2(3) *Request for proposals.* The authority may issue a request for proposals when cost is not the sole criterion for selection.

a. The authority will prepare a written request for proposals and submit the request to the department of administrative services for submission on the state website for bid opportunities. The authority may publicize a request through other means, including the authority's website or sending the request for proposals to selected vendors.

b. Requests for proposals will generally include the purpose of the request, the scope of work to be performed, submission requirements and due date, terms and conditions of an award, review criteria and the anticipated time frame for awarding a contract.

c. The authority will evaluate and rank proposals according to review criteria identified in the request for proposals. If an award is not made within the applicable time frame indicated by the authority when requesting proposals, all proposals may be deemed rejected.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.3(16) Contract purchases. The authority may enter into contract purchase agreements for items, groups of items, or services. Contract purchase agreements are subject to the competitive bidding requirements previously outlined, where applicable.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.4(16) Blanket purchase agreements. The authority may establish blanket purchase agreements. Blanket purchase agreements are subject to the competitive bidding requirements previously outlined, where applicable.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.5(16) Bids and proposals to conform to specifications. All bids and proposals must conform to the specifications provided by the authority, including deadlines for submission of bids or proposals. Bids and proposals that do not conform to the specifications stated may be rejected. The authority reserves the right to waive deficiencies in the bids or proposals if the authority's best interests would be served by the waiver.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.6(16) Modification or withdrawal of bids. Bids or proposals may be modified or withdrawn prior to the time and date set for the bid or proposal opening. Modifications or withdrawals must be submitted to the authority in writing. A bid or proposal may be withdrawn after opening with the approval of the authority.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.7(16) Financial security. The authority may require bid security, litigation security, and performance security on formal bids or proposals if specified in the request for bids or request for proposals.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.8(16) Rejection of bids and proposals. The authority reserves the right to reject any or all bids or proposals. Bids and proposals may be rejected because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair or flawed bidding procedures, failure of a vendor to meet the authority's requirements or follow submission instructions, or for any other reason if the authority determines that its best interests will be served by rejecting any or all bids. New bids may be requested by the authority at any time.

[ARC 9406C, IAB 7/9/25, effective 8/13/25]

265—15.9(16) Vendor appeals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 16.5(1) "f."

[Filed 10/4/07, Notice 8/29/07—published 10/24/07, effective 11/28/07]

[Filed ARC 0430C (Notice ARC 0287C, IAB 8/22/12), IAB 10/31/12, effective 12/5/12]

[Filed ARC 2001C (Notice ARC 1855C, IAB 2/4/15), IAB 5/27/15, effective 7/1/15]

[Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 16

PETITION FOR DECLARATORY ORDER

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

EDUCATION DEPARTMENT[281]

Created by 1986 Iowa Acts, chapter 1245, section 1401.
Prior to 9/7/88, see Public Instruction Department[670]
(Replacement pages for 9/7/88 published in 9/21/88 IAC)

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CHAPTER 2
AGENCY PROCEDURE FOR RULEMAKING
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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY ORDERS

[Prior to 9/7/88, see Public Instruction Department[670] Ch 53]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 9/7/88, see Public Instruction Department[670] Ch 83]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

281—5.1(22,256) Exceptions and additions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

281—5.2(22,256) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

281—5.3(22,256) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

281—5.4(22,256) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule X.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with that in another record system. The record systems maintained by the agency include:

5.4(1) *Staff records of the basic educational data survey.* Records of employees of area educational agencies, merged area schools, and approved public and private schools, whose positions require an Iowa teacher's certificate and contain such personally identifiable information as name, Iowa teacher's certificate number, and social security number. Other data collected are date of birth, teaching experience, sex, current position and assignments. This information is collected pursuant to Iowa Code section 256.9(18). Data processing systems match, collate, and compare the personally identifiable information of the staff records with that of teacher certification records.

5.4(2) *Driver education records.* Driver education records contain personally identifiable information such as name, driver's license number, and Iowa teacher's certificate number collected pursuant to Iowa Code section 321.178. Data processing systems match, collate, and compare the personally identifiable information of the driver education records with that of the teacher certification records and BEDS staff records.

5.4(3) *Bus driver permit records.* Bus driver permit records contain personally identifiable information such as name, social security number, driver's license number, and bus driver's permit number collected pursuant to Iowa Code sections 321.376 and 285.11(10) and 281—Chapter 43. Data processing systems match, collate, and compare the personally identifiable information of the bus driver permit numbers with that of bus accident records.

5.4(4) *Teacher certification records.* Teacher certification records contain information about each individual issued an Iowa teacher's certificate. These records contain such personally identifiable information as name, teacher's certificate number and social security number. Other data collected are date of birth, type and source of degree, completion of mandatory postgraduation coursework, experience, and the subjects and grade level authorized to teach. This information is collected pursuant to Iowa Code section 256.7(3) and 256.7(5). Data processing systems match, collate, and compare the personally identifiable information of the teacher certification records with that of BEDS staff records, driver education records, and career education records.

5.4(5) *Exceptional child survey.* These records are exempt from disclosure under Iowa Code section 22.7(1). The information gathered by this system relates to children and youth eligible for special education. Each student record contains a code derived from the child's name and birth date. The coded identifier is the personally identifiable information. Information in each record pertains to the child's condition and the special education instructional and support-related services provided to the child. Each record may also contain the child's teacher's name and teaching certificate number. This information is

collected pursuant to Iowa Code chapter 256B and 34 CFR Parts 300 and 303. Procedures for protection of and access to this information are set forth in this state's plan under 20 U.S.C. §1401 et seq. These policies and procedures comply with the Family Educational Rights and Privacy Act of 1974 (34 CFR Part 90) and 34 CFR Part 300.

This information is stored in an automated data processing system that does not match, collate, or compare the personally identifiable information of the exceptional child survey records with the personally identifiable information of other records systems.

5.4(6) *Department approval—special education placements.* These are requests for approval to place a pupil eligible for special education in an out-of-state educational program and would contain personally identifiable information such as the pupil's name, birth date, residence, condition and other information relative to the identified special education needs of the pupil. Response to these requests for department approval would contain similar information.

This information is collected pursuant to Iowa Code section 273.3(5). Data processing systems do not match, collate, or compare the personally identifiable information with other records. All personally identifiable information gathered through this effort is confidential under the provisions of 34 CFR Parts 90 and 300.

5.4(7) *Special education complaint management system.* Information gathered in this record system is utilized as documentation of concerns or complaints related to special education programs and services to children with disabilities under the provisions of 34 CFR Part 300. Personally identifiable information includes the student's name, parent's name, and the nature of the concern or complaint being registered. Data processing systems do not match, collate, or compare personally identifiable information from these records with personally identifiable information of other records systems. Personally identifiable information gathered by this system is confidential under the provisions of 34 CFR Parts 90 and 300.

5.4(8) *Deaf-blind student registry.* This data collection system gathers information related to deaf-blind children and youth in Iowa. Personally identifiable information items would include the child's name, birth date, location, and services being provided to the child. Information is utilized to plan programs and services for all deaf-blind children and their families in the state. Data processing systems do not compare, collate or match personally identifiable information in this system with personally identifiable information in other data systems. Personally identifiable information gathered and maintained by this system is confidential under the provisions of 34 CFR Parts 90 and 300.

5.4(9) *Career education records.* Career education records contain personally identifiable information such as the names and certificate numbers of staff members employed to conduct career education programs. Other data collected concern approvals, reimbursements, enrollments, expenditures, and student characteristics, and completion status relating to career education programs. This information is collected pursuant to Iowa Code chapter 256, subchapter VII, part 2. Data processing systems match, collate, and compare the personally identifiable information of career education records with that of teacher certification records.

5.4(10) *Drinking driver course records.* These records contain such personally identifiable information as name, address, birth date and social security number. Other data collected are the driver's pre- and post-test scores. This information is collected pursuant to Iowa Code chapter 321J. Data processing systems in this agency do not match, collate, or compare the personally identifiable information of drinking driver records with other record systems.

5.4(11) *Personnel records.* The agency has records concerning individual agency employees, some of which may contain confidential information under Iowa Code section 22.7(11) and other legal provisions. Personnel records may be subject to the rules of the department of administrative services.

5.4(12) *Special project applications.* Applications from public school districts may contain personally identifiable information about qualifications of project staff members. No personally identifiable student data are collected. This information is collected pursuant to Iowa Code sections 257.42 through 257.46.

5.4(13) *Grants/awards/projects.* Records of persons or agencies applying for grants, awards, or funds for projects may contain information about individuals collected pursuant to specific federal or state statutes or regulations. This information may be stored in an automated data processing system.

5.4(14) *Appeal records.* These records contain data supplied by persons or entities appealing to the agency and may contain personally identifiable information such as student name, age, scholastic and disciplinary record, and status as regular or special education pupil. This information is collected pursuant to Iowa Code chapters 256B, 275, 280, 282, and 285. The personally identifiable information is not matched, collated, or compared with data in other record systems.

5.4(15) *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, attorney 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court that maintains the official copy.

[ARC 7785C, IAB 4/17/24, effective 5/22/24]

281—5.5(22,256) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 281—5.1(22,256). These records are routinely available to the public. However, the agency's files of these records may contain confidential information, which will be addressed as provided in this chapter. The records listed may contain information about individuals.

5.5(1) *Rulemaking.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4, and 17A.7. These records are stored on paper and not in an automated data processing system.

5.5(2) *State board records.* Records contain agendas, minutes, and materials presented to the board. Records concerning closed sessions are exempt from disclosure under Iowa Code section 21.5(4). State board records contain information about people who participate in meetings. This information is collected under the authority of Iowa Code section 21.3. State board records are not stored in an automated data processing system.

5.5(3) *Publications.* Publications include news releases, annual reports, project reports, agency newsletters, etc., which describe various agency programs. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees. This information is not stored in an automated data processing system.

5.5(4) *Statistical reports.* Periodic reports of various agency programs are available from the department of education. Statistical reports are not stored in an automated data processing system.

5.5(5) *Address lists/directories.* The names and mailing addresses of members of councils, working groups, program participants and members of the general public evidencing interest in particular programs/events of the agency are maintained in order to provide mailing labels for mass distribution of literature. This information is collected under the provisions of Iowa Code chapter 256.

5.5(6) *Appeal decisions and declaratory rulings.* All final orders, decisions and rulings are available for public inspection in accordance with Iowa Code section 17A.3. These records may contain personally identifiable information regarding individuals who are the subjects of the appeals or rulings. This information is collected pursuant to Iowa Code chapters 17A, 256B, 280, 282, 283A, 285, and 290 and 281—Chapters 6, 7 and 41 and is also available on the department's web page.

5.5(7) *Published materials.* The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

5.5(8) *Basic educational data survey system records.* Curriculum, address, policy and procedures, and enrollment records of the basic educational data survey system contain data concerning the curriculum, building, policy and procedures, and enrollment of merged area schools, area education agencies, and approved public and private K-12 educational agencies.

Address records contain the addresses of buildings in which educational agencies are located and the names of the chief administrators of those agencies collected pursuant to Iowa Code sections 256.7 and 256.9.

5.5(9) *Secretary's annual report.* This record contains information related to public school districts' attendance figures, revenues and expenditures.

5.5(10) *Certified enrollment records.* Public school district records with enrollments of resident students in district schools; resident students enrolled in another district; nonresident and out-of-state students enrolled in district schools; and full-time equivalent (FTE) enrollment of shared time, part-time and area school students of high school age. These records do not contain student names or other personally identifiable information.

5.5(11) *School lunch program records.* Records of public and private schools participating in the national school lunch program. Records contain information relating to funds available for reimbursements, advance payments, claims, and reimbursements made to schools; dates that participating schools were inspected; and individual employees of school food services of agencies participating in child nutrition programs. The personally identifiable information is collected pursuant to 7 CFR Section 210.9.

5.5(12) *Commodity distribution records.* Records of the allocation and delivery of federally provided commodities to participating schools.

5.5(13) *Transportation records.* Transportation records contain operational data for school buses.

5.5(14) *Facilities' records.* Records of buildings and additions to buildings owned by public and private K-12 educational agencies.

5.5(15) *Child care food program records.* Records contain information concerning advance payments made to institutions participating in the federal child care food program, agreements between institutions and their sites with program administrators, claims and reimbursements for meals served, and inspections of programs. The name of each program administrator is included in agreement records collected pursuant to 7 CFR Section 226.6(e)(1).

5.5(16) *Career information system.* Records of a project that stores and utilizes occupational and educational data for student use in career decision making.

5.5(17) *Merged area school records.* These records contain data concerning equipment (inventory), enrollment (by sex and residence), and the number of pupils completing programs.

5.5(18) *High school equivalency diploma records.* General equivalency diploma (GED) records contain the names, addresses, social security numbers, and test scores of individuals granted an Iowa high school equivalency diploma. This information is collected pursuant to Iowa Code chapter 259A.

5.5(19) *Area education agency budget records.* These records contain data used by the state board of education to approve AEA annual budgets.

5.5(20) *Area education agency annual financial report records.* These records contain data relating to revenue, expenditures, and balances as well as the number of AEA employees in each program.

5.5(21) *Juvenile home records.* The juvenile home educational program budget and claim documents collect financial, employee, and student operation data. Budget records are used by the agency for program approval. Claim records are used for approving reimbursements and program results.

5.5(22) *Nonpublic school pupil textbook services records.* These records contain data on public school per pupil textbook expenditures, number of resident nonpublic school pupils requesting textbook services and the cost of providing textbook services for nonpublic school pupils.

5.5(23) *Nonpublic school pupils transportation services claims.* These records contain data on expenditures for providing transportation to pupils attending approved nonpublic schools and requests for reimbursement.

[ARC 7785C, IAB 4/17/24, effective 5/22/24]

281—5.6(22,256) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/29/88, Notice 3/9/88—published 5/18/88, effective 6/22/88]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 6/4/04, Notice 3/31/04—published 6/23/04, effective 7/28/04]

[Filed ARC 7785C (Notice ARC 7582C, IAB 2/7/24), IAB 4/17/24, effective 5/22/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

CHAPTER 6
APPEAL PROCEDURES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 51]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

EDUCATIONAL EXAMINERS BOARD[282]

[Prior to 6/15/88, see Professional Teaching Practices Commission[640]]

[Prior to 5/16/90, see Professional Teaching Practices Commission[287]]

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PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

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PROOF OF LEGAL PRESENCE

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TEACHER LICENSES AND ENDORSEMENTS

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CHAPTER 2

AGENCY PROCEDURES AND PETITIONS FOR RULEMAKING

[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 1]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3

DECLARATORY ORDERS

[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 1]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4

AGENCY PROCEDURE FOR RULE MAKING

[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 1]

Rescinded **ARC 8803C**, IAB 1/22/25, effective 2/26/25

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 6/15/88, see Professional Teaching Practices Commission[640] Ch 7]
[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/26/30

282—5.9(22,256) Exceptions and additions.

5.9(1) *Definition of “agency.”* In lieu of the words “(official or body issuing these rules)”, insert “board of educational examiners”.

5.9(2) *Request for access to record.* In lieu of the words “(insert agency head)”, insert “office where the record is kept”. In lieu of the words “(insert agency name and address)”, insert “Board of Educational Examiners, 701 East Court Avenue, Suite A, Des Moines, Iowa 50309”.

5.9(3) *Office hours.* In lieu of the words “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “any time from 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays”.

5.9(4) *Fees.* Fees will be determined as provided in 281—Chapter 5.

5.9(5) *Procedure by which additions, dissents, or objections may be entered into certain records.* In lieu of the words “(designate office)”, insert “the office of the executive director of the board”.

[ARC 8804C, IAB 1/22/25, effective 2/26/25]

282—5.10(22,256) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—5.11(22,256) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—5.12(22,256) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule X.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with that in another record system. The record systems maintained by the agency include:

5.12(1) *Cases dismissed.* These records contain data supplied by persons or parties filing complaints and responses with the board and contain personally identifiable information such as student name(s), teacher name, administrator name, addresses, disciplinary records, and investigatory reports. This information is collected pursuant to Iowa Code chapter 256 and this chapter and is stored electronically; most of the data are on an automated data processing system.

5.12(2) *Cases decided.* These records contain data supplied by persons or parties filing complaints and responses with the board and contain personally identifiable information such as student name(s), teacher name, administrator name, addresses, disciplinary records, and investigatory reports. This information is collected pursuant to Iowa Code chapter 256 and this chapter and is stored electronically; most of the data are on an automated data processing system.

5.12(3) *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, attorney’s 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court that maintains the official copy.

[ARC 8804C, IAB 1/22/25, effective 2/26/25]

282—5.13(22,256) Other groups of records. This rule describes groups of records maintained by the board other than record systems as defined in rule 282—5.1(17A,22). These records are routinely available to the public. However, the board's files of these records may contain confidential information, which will be addressed as provided in this chapter. The records listed may contain information about individuals.

5.13(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4, and 17A.7. These records are stored electronically and not in an automated data processing system.

5.13(2) Board records. Records contain agendas, minutes, and materials presented to the board. Records concerning closed sessions are exempt from disclosure under Iowa Code section 21.5(5). Board records contain information about people who participate in meetings. This information is collected under the authority of Iowa Code section 21.3. Board records are not stored in an automated data processing system.

5.13(3) Publications. Publications include brochures, annual reports, video tapes, and other informational materials that describe various agency programs. Agency publications may contain information about individuals, including agency staff or members of the board. This information is not stored in an automated data processing system.

5.13(4) Statistical reports. Periodic reports of agency decisions are available from the board. Statistical reports are not stored in an automated data processing system.

5.13(5) Address lists/directories. The names and mailing addresses of members of boards in other states, professional organizations, public press, and members of the general public evidencing interest in particular events of the agency are maintained in order to provide mailing labels for mass distribution of literature. This information is collected under the provisions of Iowa Code chapter 256.

5.13(6) Case decisions and declaratory rulings. All final orders, decisions and rulings are available for public inspection in accordance with Iowa Code section 17A.3. These records may contain personally identifiable information regarding individuals who are the subjects of the appeals or rulings. This information is collected pursuant to Iowa Code chapters 17A and 256 and this chapter and is not stored in an automated data processing system.

5.13(7) Board budget records. These records contain data used by the board to develop annual budgets. These records are stored electronically and not in an automated data processing system.

[ARC 8804C, IAB 1/22/25, effective 2/26/25]

282—5.14(256) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—5.15(22,256) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

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[Filed ARC 8804C (Notice ARC 8286C, IAB 10/30/24), IAB 1/22/25, effective 2/26/25]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 6

WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11
COMPLAINTS, INVESTIGATIONS, CONTESTED CASE HEARINGS
[Prior to 6/15/88, see Professional Teaching Practices Commission[640] Ch 2]
[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/26/30

282—11.1(17A,256) Scope and applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.2(17A) Definitions. Except where otherwise specifically defined by law:

“*Board*” means the board of educational examiners.

“*Complainant*” means any qualified party who files a complaint with the board.

“*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.

“*In-person hearing*” means an appeal hearing where the administrative law judge and appellant are physically present in the same location but witnesses are not required to be physically present.

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

“*Party*” means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means an administrative law judge from the department of inspections, appeals, and licensing or the full board or a three-member panel of the board.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the full board did not preside.

“*Respondent*” means any individual who is charged in a complaint with violating the criteria of professional practices or the criteria of competent performance.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.3(17A,256) Jurisdictional requirements.

11.3(1) The case must relate to alleged violation of the criteria of professional practices or the criteria of competent performance.

11.3(2) The magnitude of the alleged violation must be adequate to warrant a hearing by the board.

11.3(3) There must be sufficient evidence to support the complaint.

11.3(4) The complaint must be filed by a person who has personal knowledge of an alleged violation and must include a concise statement of facts that clearly and specifically apprises the respondent of the details of the allegation(s).

11.3(5) The complaint must be filed within three years of the occurrence of the conduct upon which it is based or discovery of the conduct by the complainant unless good cause can be shown for extension of this limitation or unless the conduct constitutes conduct described in Iowa Code section 256.160(1)“a”(1) (a).

11.3(6) The jurisdictional requirements must be met on the face of the complaint before the board may order an investigation of the allegation(s) of the complaint.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.4(17A,256) Complaint.

11.4(1) *Who may initiate.* The following entities may initiate a complaint:

- a. Licensed practitioners.
- b. School human resource directors.
- c. Recognized educational entities or local or state professional organizations.
- d. Local boards of education.
- e. Parents or guardians of students involved in the alleged complaint.

f. The executive director of the board of educational examiners if the following circumstances have been met:

(1) The executive director receives information that a practitioner:

1. Has been convicted of a felony criminal offense, or a misdemeanor criminal offense wherein the victim of the crime was 18 years of age or younger, and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) that the practitioner holds; or

2. Has been the subject of a founded report of child abuse placed upon the central registry maintained by the department of health and human services pursuant to Iowa Code section 232.71D, and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) that the practitioner holds; or

3. Has not met a reporting requirement stipulated by Iowa Code section 256.160, Iowa Code section 279.43, 281—subrule 102.11(2), 282—Chapter 11, or 282—Chapter 25; or

4. Has falsified a license or authorization issued by the board; or

5. Has submitted false information on a license or authorization application filed with the board; or

6. Does not hold the appropriate license for the assignment for which the practitioner is currently employed; or

7. Has assigned another practitioner to perform services for which the practitioner is not properly licensed; or

8. Has failed to comply with a board order as prohibited by 282—paragraph 25.3(7) “c”; and

(2) The executive director verifies the information or the alleged misconduct through review of official records maintained by the board, a court, the department of health and human services registry of founded child abuse reports, the practitioner licensing authority of another state, the department of education, the local school district, area education agency, or authorities in charge of the nonpublic school, or the executive director is presented with the falsified license; and

(3) No other complaint has been filed.

g. The department of transportation if the licensee named in the complaint holds a behind-the-wheel instructor's certification issued by the department and the complaint relates to an incident or incidents arising during the course of driver's education instruction.

h. An employee of the department of education who, while performing official duties, becomes aware of any alleged misconduct by an individual licensed under Iowa Code section 256.146.

11.4(2) *Form and content of the complaint.*

a. The complaint will be in writing and signed by at least one complainant who has personal knowledge of an alleged violation of the board's rules or related state law or an authorized representative if the complainant is an organization. (An official form may be used. This form may be obtained from the board upon request, and a typed signature may be accepted.)

b. The complaint will show venue as “BEFORE THE BOARD OF EDUCATIONAL EXAMINERS” and will be captioned “COMPLAINT.”

c. The complaint will contain the following information:

(1) The full name, address and telephone number of the complainant.

(2) The full name, address and telephone number, if known, of the respondent.

(3) A concise statement of the facts that clearly and specifically appries the respondent of the details of the alleged violation of the criteria of professional practices or the criteria of competent performance and the relief sought by the complainant.

(4) An explanation of the basis of the complainant's personal knowledge of the facts underlying the complaint.

11.4(3) *Required copies—place and time of filing the complaint.*

a. A copy of the complaint will be filed with the board.

b. The complaint will be delivered personally, electronically, or by mail to the office of the board. The current office address is 701 East Court Avenue, Suite A, Des Moines, Iowa 50309.

11.4(4) *Amendment or withdrawal of complaint.* A complaint or any specification thereof may be amended or withdrawn by the complainant at any time unless the complaint was filed in accordance with the required reporting requirements set forth in Iowa Code sections 256.146, 260.160, and 279.73. The parties to a complaint may mutually agree to the resolution of the complaint prior to a finding of probable cause unless the complaint was filed in accordance with the required reporting requirements set forth in Iowa Code sections 256.146, 256.160, and 279.73. The resolution must be committed to a written agreement and filed with the board. The agreement is not subject to approval by the board but will be acknowledged by the board and may be incorporated into an order of the board.

11.4(5) *Respondent entitled to copy of the complaint.* Immediately upon the board's determination that jurisdictional requirements have been met, the respondent will be provided a copy of the complaint or amended complaint and any supporting documents attached to the complaint at the time of filing.

11.4(6) *Voluntary surrender of license—agreement to accept lesser sanction.* A practitioner may voluntarily surrender the practitioner's license or agree to accept a lesser sanction from the board prior to or after the filing of a complaint with the board without admitting the truth of the allegations of the complaint if a complaint is on file with the board. In order to voluntarily surrender a license or submit to a sanction, the practitioner must waive the right to hearing before the board and notify the board of the intent to surrender or accept sanction. The board may issue an order permanently revoking the practitioner's license if it is surrendered, or implementing the agreed upon sanction. The board may decline to issue an agreed upon sanction if, in the board's judgment, the agreed upon sanction is not appropriate for the circumstances of the case.

11.4(7) *Investigation of license reports.*

a. Reports received by the board from another state, territory or other jurisdiction concerning licenses or certificate revocation or suspension will be reviewed and investigated by the board in the same manner as is prescribed in these rules for the review and investigation of written complaints.

b. Failure to report a license revocation, suspension or other disciplinary action taken by licensing authority of another state, territory or jurisdiction within 30 days of the final action by such licensing authority will constitute cause for initiation of an investigation.

11.4(8) *Timely resolution of complaints.* Complaints filed with the board will be resolved within 180 days unless good cause can be shown for an extension of this limitation. The board will provide notice to the parties to a complaint prior to taking action to extend this time limitation upon its own motion.

11.4(9) *Confidentiality.* Confidentiality requirements are set forth in Iowa Code section 256.158. Records related to written complaints will be collected and retained and will be evaluated if a similar complaint has been filed against the same licensed practitioner. A finding of probable cause, a final written decision, and a finding of fact by the board in a disciplinary proceeding constitute a public record.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.5(256) Investigation of complaints or license reports. The chairperson of the board or the chairperson's designee may request an investigator to investigate the complaint or report received by the board from another state, territory or other jurisdiction concerning license or certificate revocation or suspension pursuant to subrule 11.4(7); providing that the jurisdictional requirements have been met on the face of the complaint. The investigation will be limited to the allegations contained on the face of the complaint. The investigator may consult an assistant attorney general concerning the investigation or evidence produced from the investigation. Upon completion of the investigation, the investigator will prepare a report of the investigation for consideration by the board in determining whether probable cause exists.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.6(256) Ruling on the initial inquiry. Upon review of the investigator's report, the board may take any of the following actions:

11.6(1) Reject the case. If a determination is made by the board to reject the case, the complaint will be returned to the complainant along with a statement specifying the reasons for rejection. A letter of explanation concerning the decision of the board will be sent to the respondent.

11.6(2) Require further inquiry. If determination is made by the board to order further inquiry, the complaint and recommendations by the investigator(s) will be returned to the investigator(s) along with a statement specifying the information deemed necessary.

11.6(3) Accept the case. If a determination is made by the board that probable cause exists to conclude that the criteria of professional practices or the criteria of competent performance have been violated, notice may be issued, pursuant to rule 282—11.7(17A,256), and a formal hearing may be conducted in accordance with rules 282—11.7(17A,256) through 282—11.21(17A,256) unless a voluntary waiver of hearing has been filed by the respondent pursuant to the provisions of subrule 11.4(6). In determining whether to issue a notice of hearing, the board may consider the following:

- a.* Whether the alleged violation is of sufficient magnitude to warrant a hearing by the board.
- b.* Whether there is sufficient evidence to support the complaint.
- c.* Whether the alleged violation was an isolated incident.
- d.* Whether adequate steps have been taken at the local level to ensure similar behavior does not occur in the future.

11.6(4) Release the investigative report. If the board finds probable cause of a violation, the investigative report will be available to the respondent upon request. Information contained within the report is confidential and may be used only in connection with the disciplinary proceedings before the board.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.7(17A,256) Notice of hearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.8(17A,256) Presiding officer. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.9(17A,256) Waiver of procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.10(17A,256) Telephone or electronic proceedings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.11(17A,256) Disqualification. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.12(17A,256) Consolidation—severance. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.13(17A,256) Pleadings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.14(17A,256) Service and filing of pleadings and other papers. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.15(17A,256) Discovery. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.16(17A,256) Subpoenas. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.17(17A,256) Motions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.18(17A,256) Prehearing conference. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.19(17A,256) Continuances. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.20(17A,256) Intervention. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.21(17A,256) Hearing procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.22(17A,256) Evidence. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.23(17A,256) Default. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.24(17A,256) Ex parte communication. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.25(17A,256) Recording costs. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.26(17A,256) Interlocutory appeals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.27(17A,256) Final decision. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.28(17A,256) Appeals and review. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.29(17A,256) Applications for rehearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.30(17A,256) Stays of board actions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.31(17A,256) No factual dispute contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.32(17A,256) Emergency adjudicative proceedings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.33(256) Methods of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revoke a practitioner's license, certificate or authorization.
2. Suspend a practitioner's license, certificate or authorization until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period, a practitioner from engaging in specified practices, methods, or acts.
4. Probation.

5. Require additional education or training.
6. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
7. Issue a public letter of reprimand.
8. Order any other resolution appropriate to the circumstances of the case.
9. Impose fees as provided in Iowa Code section 256.146(22).

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.34(256) Reinstatement. Any person whose license, certificate or authorization to practice has been suspended may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension.

11.34(1) All proceedings for reinstatement will be initiated by the respondent, who will file with the board an application for reinstatement. Such application will be docketed in the original case in which the license, certificate or authorization was suspended. All proceedings upon the application for reinstatement will be subject to the same rules of procedure as other cases before the board.

11.34(2) An application for reinstatement will allege facts that, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent's license, certificate or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts will be on the respondent.

11.34(3) An order denying or granting reinstatement will be based upon a decision that incorporates findings of fact and conclusions of law. The board may grant reinstatement with or without conditions.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.35(256) Application denial and appeal. The executive director is authorized by Iowa Code section 256.151 to grant or deny applications for licensure. If the executive director denies an application for a license, certificate, or authorization, the executive director will send to the applicant by regular first-class mail written notice identifying the factual and legal basis for denying the application.

11.35(1) *Mandatory grounds for license denial.* The executive director will deny an application based on the grounds set forth in Iowa Code section 256.146(13).

11.35(2) *Conviction of a crime and founded child abuse.*

a. Disqualifying criminal convictions. The board shall deny an application for licensure pursuant to Iowa Code section 256.146(13), regardless of whether the judgment of conviction or sentence was deferred.

b. Other criminal convictions and founded child abuse. When determining whether a person should be denied licensure based on the conviction of any other crime, including a felony, or a founded report of child abuse, the executive director and the board will consider the following:

- (1) The nature and seriousness of the crime or founded abuse in relation to the position sought;
- (2) The time elapsed since the crime or founded abuse was committed;
- (3) The degree of rehabilitation that has taken place since the crime or founded abuse was committed;
- (4) The likelihood that the person will commit the same crime or abuse again;
- (5) The number of criminal convictions or founded abuses committed; and
- (6) Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

11.35(3) *Speech and intellectual freedom protections.* The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of Iowa Code section 261H.2(3) or 279.73.

11.35(4) *Fraudulent applications.* An application will be considered fraudulent pursuant to Iowa Code section 256.146(13) "b"(2) if it contains any false representation of a material fact or any omission of a material fact that should have been disclosed at the time of application for licensure or is submitted with a false or forged diploma, certificate, affidavit, identification, or other document material to the applicant's qualification for licensure or material to any of the grounds for denial set forth in Iowa Code section 256.146(13).

11.35(5) *Appeal procedure.*

a. An applicant who is aggrieved by the denial of an application for licensure and who desires to challenge the decision of the executive director must appeal the decision and request a hearing before the board within 30 calendar days of the date the notice of license denial is mailed. An appeal and request for hearing must be in writing and is deemed made on the date of the United States Postal Service nonmetered postmark or the date of personal service to the board office. The request for hearing will specify the factual or legal errors the applicant contends were made by the executive director, must identify any factual disputes upon which the applicant desires an evidentiary hearing, and may provide additional written information or documents in support of licensure. If a request for hearing is timely made, the executive director will promptly issue a notice of contested case hearing on the grounds asserted by the applicant.

b. The board, in its discretion, may act as presiding officer at the contested case hearing, may hold the hearing before a panel of three board members, or may request that an administrative law judge act as presiding officer. The applicant may request that an administrative law judge act as presiding officer and render a proposed decision pursuant to rule 282—11.8(17A,256). A proposed decision by a panel of board members or an administrative law judge is subject to appeal or review by the board pursuant to rule 282—11.28(17A,256).

c. Hearings concerning licensure denial will be conducted according to the contested case procedural rules in this chapter. Evidence supporting the denial of the license may be presented by an assistant attorney general. While each party will have the burden of establishing the affirmative of matters asserted, the applicant will have the ultimate burden of persuasion as to the applicant's qualification for licensure.

d. On appeal, the board may grant or deny the application for licensure. If the application for licensure is denied, the board will state the reason or reasons for the denial and may state conditions under which the application could be granted, if applicable.

11.35(6) *Judicial review.* Judicial review of a final order of the board denying licensure may be sought in accordance with the provisions of Iowa Code section 17A.19, which are applicable to judicial review of an agency's final decision in a contested case. In order to exhaust administrative remedies, an applicant aggrieved by the executive director's denial of an application for licensure must timely appeal the adverse decision to the board.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.36(256) Denial of renewal application. If the executive director denies an application to renew a license, certificate or authorization, a notice of hearing will be issued to commence a contested case proceeding. The executive director may deny a renewal application on the same grounds as those that apply to an application for licensure described in subrules 11.35(1) through 11.35(4).

11.36(1) *Hearing procedure.* Hearings on denial of an application to renew a license will be conducted according to the contested case procedural rules in this chapter. Evidence supporting the denial of the license may be presented by an assistant attorney general.

11.36(2) *Judicial review.* Judicial review of a final order of the board denying renewal of licensure may be sought in accordance with the provisions of Iowa Code section 17A.19, which are applicable to judicial review of an agency's final decision in a contested case.

11.36(3) *Impact of denial of renewal application.* Pursuant to Iowa Code section 17A.18(2), if the licensee has made timely and sufficient application for renewal, an existing license will not expire until the last day for seeking judicial review of the board's final order denying the application or a later date fixed by order of the board or reviewing court.

11.36(4) *Timeliness of renewal application.* Within the meaning of Iowa Code section 17A.18(2), a timely and sufficient renewal application will be:

- a. Received by the board on or before the date the license is set to expire or lapse;
- b. Signed by the licensee and certified as accurate if submitted electronically;
- c. Fully completed; and
- d. Accompanied by the proper fee. The fee will be deemed improper if the amount is incorrect, the fee was not included with the application, or the licensee's check is unsigned or returned for insufficient funds.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.37(256) Required reports. Reports are required to be made pursuant to Iowa Code sections 256.146, 256.160, and 279.73.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.38(256) Denial of application during a pending professional practices case. The executive director may deny an application for a license, authorization, certificate, or statement of recognition if the applicant is currently under investigation and probable cause has been determined by the board.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

These rules are intended to implement Iowa Code chapters 17A and 256.

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

◇ Two or more ARCs

¹ Effective date of 282—Ch 11 delayed 45 days by the Administrative Rules Review Committee at its meeting held March 10, 2000; delay lifted by the Committee at its meeting held April 7, 2000, effective April 8, 2000.

¹ Effective date of ARC 8406B delayed until the adjournment of the 2010 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held January 5, 2010.

COLLEGE STUDENT AID COMMISSION[283]

[Prior to 8/10/88, see College Aid Commission[245]]

CHAPTER 1

ORGANIZATION AND OPERATION

- 1.1(256) Purpose
- 1.2(261) Organization and operations

CHAPTERS 2 to 5

Reserved

CHAPTER 6

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

- 6.1 and 6.2 Reserved
- 6.3(17A,22) Availability of records

CHAPTER 7

Reserved

CHAPTER 8

ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

- 8.1(256) Basis of aid
- 8.2(256) Definitions
- 8.3(256) Eligible applicant
- 8.4(256) Awarding of funds
- 8.5(256) Exceptions

CHAPTER 9

Reserved

CHAPTER 10

UNIFORM POLICIES

- 10.1(256) Purpose
- 10.2(256) Definitions
- 10.3(256) Policies

CHAPTER 11

IOWA TUITION GRANT PROGRAM—FOR-PROFIT INSTITUTIONS

- 11.1(256) Basis of aid
- 11.2(256) Definitions
- 11.3(256) Eligible applicant
- 11.4(256) Awarding of funds
- 11.5(256) Institution eligibility

CHAPTER 12

IOWA TUITION GRANT PROGRAM

- 12.1(256) Basis of aid
- 12.2(256) Definitions
- 12.3(256) Eligible applicant
- 12.4(256) Awarding of funds
- 12.5(256) Accredited private institution eligibility

CHAPTER 13

IOWA VOCATIONAL-TECHNICAL TUITION GRANT PROGRAM

- 13.1(256) Basis of aid
- 13.2(256) Definitions
- 13.3(256) Eligible applicant
- 13.4(256) Awarding of funds

CHAPTER 14

Reserved

CHAPTER 15

FUTURE READY IOWA SKILLED WORKFORCE
LAST-DOLLAR SCHOLARSHIP PROGRAM

15.1(256)	Basis for aid
15.2(256)	Definitions
15.3(256)	Eligible applicant
15.4(256)	Awarding of funds
15.5(256)	Exceptions
15.6(256)	Determination of programs of study aligned with high-demand jobs
15.7(256)	Institution eligibility requirements

CHAPTER 16

FUTURE READY IOWA SKILLED WORKFORCE GRANT PROGRAM

16.1(261)	Basis for aid
16.2(261)	Definitions
16.3(261)	Eligible applicant
16.4(261)	Awarding of funds
16.5(261)	Exceptions
16.6(261)	Determination of programs of study aligned with high-demand jobs
16.7(261)	Institution eligibility requirements

CHAPTER 17

HEALTH CARE PROFESSIONAL INCENTIVE PROGRAM

17.1(256)	Definitions
17.2(256)	Awarding of funds

CHAPTER 18

IOWA WORK-STUDY PROGRAM

18.1(256)	Basis of aid
18.2(256)	Definitions
18.3(256)	Administrative procedures
18.4(256)	Eligible applicant
18.5(256)	Awarding of funds
18.6(256)	Eligible postsecondary education institution eligibility

CHAPTER 19

COURT REPORTER EQUIPMENT GRANT PROGRAM

19.1(261)	Basis for aid
19.2(261)	Definitions
19.3(261)	Eligible applicant
19.4(261)	Awarding of funds
19.5(261)	Institutional application process

CHAPTER 20

IOWA NATIONAL GUARD BENEFITS PROGRAMS

20.1(256)	Definitions
20.2(256)	Iowa national guard service scholarship
20.3(256)	Iowa national guard master's degree service scholarship
20.4(256)	Iowa national guard service professional qualification scholarship

CHAPTER 21

APPROVAL OF POSTSECONDARY SCHOOLS

21.1(261B,261G,714)	Postsecondary registration, exception to registration, and participation in the commission-approved reciprocity agreement
21.2(261B,261G)	Definitions
21.3(261B,261G)	State authorization types and requirements
21.4(261B,261G)	Authorization fees

- 21.5(261B,261G) Postsecondary school, Iowa site, or program closure
- 21.6(261B,261G) Postsecondary school closures

CHAPTER 22

Reserved

CHAPTER 23

SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM

- 23.1(256) Basis of aid
- 23.2(256) Definitions
- 23.3(256) Eligible applicant
- 23.4(256) Awarding of funds
- 23.5(256) Determination of programs of study aligned with high-demand jobs

CHAPTERS 24 to 26

Reserved

CHAPTER 27

RURAL VETERINARIAN LOAN REPAYMENT PROGRAM

- 27.1(256) Definitions
- 27.2(256) Awarding of funds
- 27.3(256) Failure to fulfill obligation

CHAPTER 28

TEACH IOWA SCHOLAR PROGRAM

- 28.1(256) Definitions
- 28.2(256) Awarding of funds
- 28.3(256) Grandfather clause

CHAPTERS 29 to 33

Reserved

CHAPTER 34

WORKFORCE GRANT AND INCENTIVE PROGRAM

- 34.1(261) Basis of aid
- 34.2(261) Definitions
- 34.3(261) Eligible workforce grant applicant
- 34.4(261) Awarding of workforce grant funds
- 34.5(261) Eligible incentive payment applicant
- 34.6(261) Awarding of incentive payments

CHAPTERS 35 and 36

Reserved

CHAPTER 37

DEBT COLLECTION

- 37.1(256) Definitions
- 37.2(256) Administrative wage garnishment procedures
- 37.3(261) Offset against state income tax refund or rebate

CHAPTER 2
COMMISSION PROCEDURE FOR RULEMAKING
AND PETITIONS FOR RULEMAKING

[Prior to 8/10/88, see College Aid Commission, 245—13.1 and 13.2]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY ORDERS

[Prior to 8/10/88, see College Aid Commission, 245—13.4 and 13.5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
DUE PROCESS AND CONTESTED CASES
[Prior to 8/10/88, see College Aid Commission, 245—Ch 11]

[Prior to 10/15/03, see 283—Ch 5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
CONTESTED CASES
[Prior to 10/15/03, see 283—Ch 4]
Rescinded **ARC 0043D**, IAB 2/4/26, effective 3/11/26

CHAPTER 6 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

283—6.1(17A,22) Exceptions and additions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

283—6.2(22,256) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

283—6.3(17A,22) Availability of records.

6.3(1) This rule lists the commission records that are open to the public, those that are confidential, and those that are partially open and partially confidential.

6.3(2) Commission records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs, as well as state programs, and is authorized by Iowa Code section 22.9 to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

6.3(3) The chart indicates whether the record contains personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning	Code	Meaning
O	The records are open for public inspection.	O/C	The record is partially open and partially confidential.
C	The records are confidential and are not open to public inspection.	O/E	The record is partially open to the public and partially exempt from disclosure.
E	The record is exempt from mandatory disclosure to members of the public.	O/E/C	The record is partially open to the public, partially exempt from disclosure, and partially confidential and not open to the public.
E/C	The record is exempt from mandatory disclosure to the public and is confidential and not open to public inspection.	NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
Rulemaking	O	NA	No	NA
Declaratory Ruling Records	O/C	Iowa Code 22.7	No	NA
Rules and Policy Manuals	O	NA	No	NA
General Correspondence	O/E/C	Iowa Code 22.7	Yes	NA
Publications	O	NA	No	NA
• General				
• GSL				
• Scholarship				
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3, 22.7 and 72.3	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records (such as those collected under the Iowa Tuition Grant and Iowa Vocational-Technical Tuition Grant Programs)	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]
State and Federal Program Records (such as those maintained under the Iowa Tuition Grant Program and the John R. Justice Student Loan Repayment Program)	O	NA	No	NA

[ARC 0044D, IAB 2/4/26, effective 3/11/26]

283—6.4(22,256) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

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

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

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CHAPTER 7

WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

HIGHER EDUCATION LOAN AUTHORITY[284]

Created by 1986 Iowa Acts, chapter 1245 under the
“umbrella” of the Education Department[281]

CHAPTER 1

ORGANIZATION AND OPERATIONS

1.1(261A)

Organization and operations

CHAPTER 2
PETITIONS FOR RULEMAKING

[Prior to 5/18/88, see Higher Education Loan Authority, 480—Ch 2]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY ORDERS

[Prior to 5/18/88, see Higher Education Loan Authority, 480—Ch 2]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
FAIR INFORMATION PRACTICES

[Prior to 5/18/88, see Higher Education Loan Authority[480], subrule 1.2(5)]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

PUBLIC BROADCASTING DIVISION[288]

Created within the Department of Cultural Affairs by 1986 Iowa Acts, chapter 1245, section 1318.

(Iowa Code §303.76)

[Prior to 8/10/88, see Public Broadcasting Department[645] and Educational Radio and Television Facility Board[340]]

[Prior to 9/14/94, see Public Broadcasting Division [225]]

CHAPTER 1**ORGANIZATION**

- 1.1(256) Establishment of the division of public broadcasting and the Iowa public broadcasting board
- 1.2(256) Operational organization

CHAPTER 2**FACILITIES MANAGEMENT**

- 2.1(256) Location

CHAPTER 3**PUBLIC RECORDS AND FAIR INFORMATION PRACTICES**

(Uniform Rules)

- 3.1(22) Definitions
- 3.3 to 3.13 Reserved
- 3.14(22) Personally identifiable information
- 3.15(22) Other groups of records
- 3.16(22) Data processing systems

CHAPTERS 4 to 9

Reserved

CHAPTER 10**IOWA COMMUNICATIONS NETWORK****EDUCATIONAL SITE SELECTION**

- 10.1(18) Site selection criteria

CHAPTERS 11 to 13

Reserved

CHAPTER 14**CRITERIA FOR GRANTS**

- 14.1(256) Purpose
- 14.2(256) Definitions
- 14.3(256) Requirements
- 14.4(256) Review process (for competitive grants and contracts)
- 14.5(256) Appeal of grant or contract denial or termination

CHAPTER 3
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 9/14/94, see Public Broadcasting Division[225]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

288—3.1(22) Definitions. As used in this chapter:

“*Administrator*” means the administrator of the public broadcasting division of the department of education.

“*Agency*” means the Iowa public broadcasting board.

“*Custodian*” means the public broadcasting board, the public broadcasting division of the department of education, and Iowa public television.

288—3.3(22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

288—3.9(22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

288—3.10(22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

288—3.11(22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

288—3.12(22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

288—3.13(22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

288—3.14(22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 3.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

3.14(1) *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, attorney’s notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

3.14(2) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code sections 22.7(11) and 22.7(18).

288—3.15(22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 3.1(17A,22). The records listed may contain information about individuals. Unless otherwise designated, the authority for this office to maintain the record is provided by Iowa Code chapter 13, the statutes governing the subject matter of the record, and the enabling statutes of the agency client, where applicable. All records are stored both on paper and in automated data processing systems unless otherwise noted.

3.15(1) Board records. Agendas, minutes, and materials presented to the Iowa public broadcasting board are available from the administrator's office, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored in an automated data processing system.

3.15(2) Administrative records. This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions. These records may contain confidential information as discussed in rule 3.13(22).

3.15(3) Publications. The office receives a number of books, periodicals, newsletters, government documents, and other materials. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

3.15(4) Office publications. This office issues a variety of materials including teacher's guides, schedule books, brochures and pamphlets, press releases, statistical reports, etc. These publications are open for public inspection, have no personally identifiable information and may have a charge to obtain.

3.15(5) Rule-making records. Official documents executed during the promulgation of agency rules and public comments are available for public inspection.

3.15(6) Office manuals. Information in office manuals such as the employee's manual or desk manuals may be confidential under Iowa Code section 17A.2(10) "f" or other applicable provision of law.

3.15(7) Other records. All other records that are not exempted from disclosure by law.

288—3.16(22) Data processing systems. The agency does not currently have a data processing system which matches, collates or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

288—3.17(22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 7/21/88, Notice 5/4/88—published 8/10/88, effective 9/14/88]

[Filed 12/21/88, Notice 10/5/88—published 1/11/89, effective 2/15/89]

[Filed 8/23/94, Notice 5/11/94—published 9/14/94, effective 10/19/94]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 11

AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12

DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 13

CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

SCHOOL BUDGET REVIEW COMMITTEE[289]

[Prior to 12/14/88, see School Budget Review[740]]

CHAPTER 1

ORGANIZATION AND ADMINISTRATIVE PROCEDURES

- 1.1(257) School budget review committee
- 1.2(257) Mailing address
- 1.3(257) Information or submissions
- 1.4(257) Hearings

CHAPTERS 2 to 4

Reserved

CHAPTER 5

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

- 5.1(17A) Definitions
- 5.3 to 5.11 Reserved
- 5.12(17A) Rulemaking records

CHAPTER 6

DUTIES AND OPERATIONAL PROCEDURES

- 6.1(257) Definitions
- 6.2(257) Hearing procedures
- 6.3(257) General duties
- 6.4(257) Budgets
- 6.5(257) Sharing
- 6.6(257) Special education administrative costs
- 6.7(257) Area education agency budget review

CHAPTER 2
PETITIONS FOR RULEMAKING

[Prior to 10/17/90, see School Budget Review, 289—1.4(442)]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY ORDERS

[Prior to 10/17/90, see School Budget Review, 289—1.5(442)]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

[Prior to 10/17/90, see School Budget Review, 289—1.6(442)]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 10/17/90, see School Budget Review, 289—1.7(442, 22)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/2/30

289—5.1(17A) Definitions. As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “school budget review committee”.

[ARC 9331C, IAB 5/28/25, effective 7/2/25]

289—5.3(17A) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

289—5.6(17A) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

289—5.9(17A) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

289—5.10(17A) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

289—5.11(17A) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

289—5.12(17A) Rulemaking records. These records are routinely available to the public and may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4 and 17A.7. These records are stored on paper and not in an automated data processing system.

[ARC 9331C, IAB 5/28/25, effective 7/2/25]

289—5.13(17A) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

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

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 7

ON-TIME FUNDING FOR INCREASED ENROLLMENT

Rescinded IAB 1/12/11, effective 2/16/11

CHAPTER 8

WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

EGG COUNCIL, IOWA[301]

Rules transferred from agency number [345] to [301] to conform with the reorganization numbering scheme in general, IAC Supp. 10/8/86.

CHAPTER 1

ORGANIZATION AND PURPOSE

- 1.1(184) Iowa egg council composition
- 1.2(184) Officers
- 1.3(184) Staff
- 1.4(184) Meetings
- 1.5(184) Quorum

CHAPTER 2

RULES OF PRACTICE

- 2.1(184) Definitions
- 2.2(184) Public information
- 2.3(184) Informal settlement of controversies

CHAPTER 3

ELECTION OF MEMBERS

- 3.1(184) Nominations
- 3.2(184) Election procedure

CHAPTER 4

ASSESSMENT ON EGGS

- 4.1(184) Rate of assessment
- 4.2(184) Collection of assessment
- 4.3(184) Refunds

CHAPTER 5

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

- 5.1(17A,22) Definitions
- 5.3 to 5.9 Reserved
- 5.10(17A,22) Personally identifiable information
- 5.11(17A,22) Data processing

CHAPTER 2 RULES OF PRACTICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

301—2.1(184) Definitions. All words and terms defined in Iowa Code section 184.1 employed in these rules are given the definitions found in that chapter. The following words and terms used in these rules shall have the meaning hereafter ascribed to them:

“Eligible voter” means every producer who owns, or contracts for the care of, 30,000 or more layer-type chickens raised in this state.

This rule is intended to implement Iowa Code section 184.10.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.2(184) Public information. The public is invited to obtain information or make informal requests of the council by addressing these matters, either orally or in writing, to the executive director of the Iowa Egg Council, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

This rule is intended to implement Iowa Code section 17A.3.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.3(184) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the council or by members of the public, in an informal manner.

2.3(1) In cases of a routine nature, the executive director or chairperson shall attempt to settle the matter. In cases indicating a need for interpretation of council policy or legal interpretation, the executive director may defer action until after consultation with the chairperson or with legal counsel, or the chairperson may defer action until after consultation with legal counsel, or either may defer action until after discussion of the subject at a council meeting.

2.3(2) In cases not of a routine nature, or in cases in which the efforts of the executive director or chairperson are unsuccessful, the council itself shall act to resolve the matter. In cases indicating a need for legal advice, the council may defer action until after consultation with legal counsel.

This rule is intended to implement Iowa Code section 17A.10.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.4(184) Declaratory rulings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

301—2.5(184) Petition for adoption of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

301—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa egg council.

301—5.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

301—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

301—5.9(17A,22) Public records; confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

301—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: excise tax remittance in identifying individual producers and the amounts remitted, refund requests from producers, and personal information in confidential personnel records. This information is collected pursuant to the authority of Iowa Code chapter 184 and is stored in the office files of the council office. Personally identifiable information contained in these records shall be confidential.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—5.11(17A,22) Data processing. No data processing system collates or permits 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 section 22.11.

[Filed emergency 9/16/88—published 10/5/88, effective 9/16/88]

[Filed 4/14/89, Notice 10/5/88—published 5/3/89, effective 6/7/89]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Rules transferred from agency number [190] to [121] to conform with the reorganization numbering scheme in general, IAC Supp. 9/9/87.

Prior to 3/30/94, Campaign Finance Disclosure Commission [121]

CHAPTER 1

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

- 1.1(68A,68B) General agency description
- 1.2(68B) Requirements for requesting board advisory opinions
- 1.3(68B) Processing of advisory opinion requests; routine administrative advice
- 1.4(68B) Board member and staff code of ethics

CHAPTERS 2 and 3

Reserved

CHAPTER 4

CAMPAIGN DISCLOSURE PROCEDURES

DIVISION I

ORGANIZATIONAL REQUIREMENTS

- 4.1(68A,68B) Requirement to file statement of organization (DR-1)—persons subject to requirements, financial thresholds, where to file, when due
- 4.2(68A,68B) Information required: committee name
- 4.3(68A,68B) Information required—committee purpose, party affiliation
- 4.4(68A,68B) Information required—officers, committee information, signatures
- 4.5(68A,68B) Segregation and timely deposit of funds; information required—identification of financial institution, account name; notice to treasurer
- 4.6(68A,68B) Amendments to statement of organization; requirement for new statement of organization for new office sought

DIVISION II

REPORTING AND FINANCIAL TRANSACTION REQUIREMENTS

- 4.7(68A,68B) Disclosure reporting required; information on initial report; minimum filing if no activity
- 4.8(68A,68B) Disclosure reporting required—where reports filed
- 4.9(68A) Campaign disclosure report due dates
- 4.10(68A) Time of filing
- 4.11(68A) Voluntary registration—Form DR-SFA
- 4.12(68A,68B) Exemption from reporting requirement—reports due within five days of one another
- 4.13(68A,68B) Report forms—summary page (DR-2) and supporting schedules
- 4.14(68A,68B) Schedule A - Monetary Receipts
- 4.15(68A,68B) Schedule B - Monetary Expenditures
- 4.16(68A,68B) Schedule D - Incurred Indebtedness
- 4.17(68A,68B) Schedule E - In-kind Contributions
- 4.18(68A,68B) Schedule F - Loans Received and Repaid
- 4.19(68A) Schedule G - Breakdown of Monetary Expenditures by Consultants
- 4.20(68A,68B) Schedule H - Campaign Property
- 4.21(68A) Filing of reconciled bank statement
- 4.22(68A,68B) Verification of reports; incomplete reports
- 4.23(68A,68B) Amendment—statements, disclosure reports and notices
- 4.24(68A) Reporting of state party building fund transactions
- 4.25(68A,68B) Legitimate expenditures of campaign funds
- 4.26(68A) Transfers between candidates
- 4.27(68A) Independent expenditure requirements
- 4.28(68A) Contributions and independent expenditures by foreign nationals
- 4.29(68A,68B) Contributions by minors
- 4.30(68A,68B) Funds from unknown source prohibited; subsequent identification of source; notice to contributors
- 4.31(68A) Information required for contributions from a trust
- 4.32(68A) Contributions from political committees not organized in Iowa

4.33(68A)	Reporting of earmarked contributions
4.34(68A)	Copies of reports filed by 527 committees
4.35(68A)	Permanent organizations forming temporary political committees; one-time contributor filing Form DR-OTC
4.36(68A)	Cash transactions
4.37(68A,68B)	Recordkeeping

DIVISION III

POLITICAL MATERIAL—ATTRIBUTION STATEMENTS

4.38(68A)	Political attribution statement
4.39(68A)	Specific items exempted from or subject to attribution statement requirement; multiple pages
4.40(68A,68B)	Newspaper or magazine
4.41(68A,68B)	Apparent violations; remedial action
4.42 and 4.43	Reserved

DIVISION IV

CORPORATE POLITICAL ACTIVITY

4.44(68A,68B)	Prohibited corporate activity
4.45(68A,68B)	Corporate-sponsored political committee
4.46	Reserved
4.47(68A,68B)	Permitted corporate activity—reimbursement required
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4.50	Reserved
4.51(68A)	Candidate debate—media organization, debate structure, debate funding, contribution reporting inapplicable
4.52(68A,68B)	Corporate involvement with political committee funds

DIVISION V

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4.53(68A,68B)	In-kind contributions, independent expenditures—definitions

DIVISION VI

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4.54(68A)	Committee dissolution; disposition of property; resolution of loans or debts
4.55(68A)	Statement of dissolution; final report; final bank statement
4.56 to 4.58	Reserved

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CIVIL PENALTIES FOR LATE REPORTS

4.59(68B)	Routine civil penalty assessment for late-filed disclosure reports
4.60(68B)	Requests for waiver of penalties
4.61(68B)	Contested case challenge
4.62(68B)	Payment of penalty
4.63(68A,68B)	Electronic filings

CHAPTER 5

USE OF PUBLIC RESOURCES FOR A POLITICAL PURPOSE

5.1(68A)	Scope of chapter
5.2(68A)	General prohibition and applicability
5.3(68A)	Definitions
5.4(68A)	Use of public resources for a political purpose prohibited
5.5(68A)	Exceptions from prohibition on use of public resources for a political purpose
5.6(68B)	Board advice
5.7(68B)	Complaints
5.8(68A)	Holders of certain government positions prohibited from engaging in political activities

CHAPTER 6

EXECUTIVE BRANCH ETHICS

DIVISION I

GENERAL PROVISIONS

6.1(68B)	Scope of chapter
6.2(68B)	Definitions

- 6.3(68B) Complaints or filing information alleging a violation
- 6.4(68B) Board advice

DIVISION II

CONFLICT OF INTEREST AND MISUSE OF PROPERTY

- 6.5(68B) Dual executive branch compensation prohibited
- 6.6(68B) Misuse of public property

DIVISION III

SALES OR LEASES OF GOODS, REAL ESTATE, OR SERVICES

- 6.7(68B) Prohibition on sales; when public bids required—disclosure of income
- 6.8(68B) Sales or leases by regulatory agency officials or employees
- 6.9(68B) Sales or leases by members of the office of the governor

DIVISION IV

EMPLOYMENT RESTRICTIONS

- 6.10(68B) Engaging in services against the interest of the state

DIVISION V

GIFTS AND OFFERS

- 6.11(68B) Prohibition on receipt of an honorarium
- 6.12(68B) Loans from executive branch lobbyists prohibited

CHAPTER 7

PERSONAL FINANCIAL DISCLOSURE

- 7.1(68B) Filing requirements and procedures
- 7.2(68B) Information disclosed on form
- 7.3(68B) Procedure for determining persons required to file with the board—distribution of forms
- 7.4(68B) Penalties
- 7.5(68B) Requests for waiver of penalties
- 7.6(68B) Contested case challenge
- 7.7(68B) Payment of penalty
- 7.8(68B) Retention and availability of filed forms

CHAPTER 8

EXECUTIVE BRANCH LOBBYING

- 8.1(68B) Definitions
- 8.2(68B) Individuals not considered executive branch lobbyists
- 8.3(68B) Contingency fee lobbying prohibited
- 8.4(68B) Lobbyist registration required
- 8.5(68B) Executive branch lobbyist client reporting
- 8.6(68B) Session function registrations and reports
- 8.7(68B) Automatic penalties for delinquent client reports
- 8.8(68B) Request for waiver of penalty
- 8.9(68B) Contested case proceeding
- 8.10(68B) Payment of penalty
- 8.11(68A) Campaign contributions by lobbyists during the regular legislative session
- 8.12(68B) Loans made by lobbyists
- 8.13(68B) Ban on certain lobbying activities by government personnel
- 8.14(68B) False communications prohibited

CHAPTER 9

COMPLAINT, INVESTIGATION, AND RESOLUTION PROCEDURES

- 9.1(68B) Complaints
- 9.2(68B) Investigations—board action
- 9.3(68B) Disciplinary remedies; administrative resolution of enforcement matters
- 9.4(68B) Settlements
- 9.5(68B) Protections for complaints made in good faith
- 9.6(68B) Providing false information to the board during an investigation

CHAPTER 1
IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD
[Prior to 9/9/87, Campaign Finance Disclosure[190] Ch 5]
[Prior to 3/30/94, Campaign Finance Disclosure Commission[121] Ch 5]
[Prior to 8/21/02, see 351—Ch 5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/3/31

351—1.1(68A,68B) General agency description.

1.1(1) *Board established.* The Iowa ethics and campaign disclosure board is established as an independent agency of the executive branch of state government with the authority, powers, and duties set out in Iowa Code chapters 68A and 68B.

1.1(2) *Election of officers.* On an annual basis at the board's first meeting after April 30, the members shall elect a chair and vice chair, and members may be reelected or elected to a different office.

1.1(3) *Board meetings.* Meetings of the board are held at the call of the chair or at the request of at least four board members. Minutes of meetings are available for viewing via the board's website.

1.1(4) *Voting and procedure.* Four board members constitute a quorum for conducting the business of the board. An affirmative vote of four board members is required for a motion to pass. The meetings shall be generally conducted according to rules of parliamentary procedure.

This rule is intended to implement Iowa Code sections 68B.32 and 68B.32A.

[ARC 0233D, IAB 4/29/26, effective 6/3/26]

351—1.2(68B) Requirements for requesting board advisory opinions.

1.2(1) *Who may request opinion.* Any person subject to the board's jurisdiction may request a board advisory opinion. A governmental entity or local government official or employee not under the board's jurisdiction may request a board advisory opinion on an issue subject to the board's jurisdiction. A person requesting an opinion on the application of the ethics and lobbying laws in Iowa Code chapter 68B as applied to the legislative branch of state government shall be referred to the senate and house ethics committees. The board may on its own motion issue opinions without receiving a formal request.

1.2(2) *Form of request.* The request for an opinion shall be in writing and shall describe the specific transaction, conduct, or activity that the requesting person plans to undertake or is presently undertaking.

1.2(3) *Jurisdiction.* The board will issue opinions pertaining only to Iowa Code chapters 68A and 68B or rules adopted thereunder.

This rule is intended to implement Iowa Code section 68B.32A(12).

[ARC 0233D, IAB 4/29/26, effective 6/3/26]

351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.

1.3(1) Requests for board advisory opinions shall be sent to the board's legal counsel in writing.

1.3(2) After receiving a qualified opinion request, the board's legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote, the board will issue an advisory opinion. Advice contained in an advisory opinion, if followed, constitutes a defense to a subsequent complaint that is based on the same facts and circumstances.

1.3(3) A person who receives an advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

1.3(4) Advisory opinions are public records and shall be made available via the board's website.

1.3(5) Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

1.3(6) Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order. The board will refuse to issue a declaratory order to a person who has

previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the original opinion.

This rule is intended to implement Iowa Code section 68B.32A(12).

[ARC 0233D, IAB 4/29/26, effective 6/3/26]

351—1.4(68B) Board member and staff code of ethics.

1.4(1) Making monetary and in-kind contributions to the committees of candidates for Iowa public office is prohibited. However, contributions to candidates for federal office are permitted.

1.4(2) Serving as an officer or member of a candidate's committee of a candidate for Iowa public office is prohibited, whether the service is volunteer or paid.

1.4(3) Making monetary or in-kind contributions to a political committee (PAC) is prohibited. However, contributions to a state party or a county central committee are permitted.

1.4(4) Running for or holding elected public office is prohibited. Running for or serving as an officer or member of any committee defined under Iowa Code chapter 68A is prohibited.

1.4(5) Public personal endorsement of a candidate or publicly taking a position in support of or opposition to a ballot issue is prohibited. This rule does not prohibit a member of the board or staff from making a public personal endorsement of a federal candidate or a federal ballot issue. Members and staff of the board may attend and participate in a presidential caucus.

1.4(6) Serving as a delegate to a county or state political party convention is prohibited.

1.4(7) Except due to service on the board, members of the board shall not be public officials or public employees.

1.4(8) Except due to service on the board, members of the board shall not be registered lobbyists in the state of Iowa.

1.4(9) The prohibitions in this rule shall not apply to the spouse or other family members of a board member or employee of the board. However, actions by a spouse or other family member may create a potential conflict of interest on the part of the board member or employee that may necessitate recusal from a matter pursuant to Iowa Code section 68B.2A.

This rule is intended to implement Iowa Code sections 68B.2A and 68B.32.

[ARC 0233D, IAB 4/29/26, effective 6/3/26]

[Emergency filed and effective 10/28/75; Filed 10/28/75, Notice 8/25/75—published 11/17/75, effective 12/22/75]

[Filed emergency 2/11/76—published 3/8/76, effective 2/11/76]

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[Filed 1/28/05, Notice 12/22/04—published 2/16/05, effective 3/23/05]^o

[Filed 5/23/05, Notice 3/16/05—published 6/22/05, effective 7/27/05]

[Filed 8/17/05, Notice 5/11/05—published 9/14/05, effective 10/19/05]

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[Filed 12/2/05, Notice 9/14/05—published 12/21/05, effective 1/25/06]

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[Filed ARC 0233D (Notice ARC 0084D, IAB 3/4/26), IAB 4/29/26, effective 6/3/26]

◊ Two or more ARCs

FAIR BOARD[371]

Rules transferred from agency number 430 to 371 to conform with the reorganization numbering scheme in general.

CHAPTER 1 GENERAL RULES

1.1(173)	Functions
1.2(173)	Organization and operations
1.3(173)	Rules
1.4(173)	Admissions
1.5(173)	Returned checks
1.6(173)	Records
1.7(173)	Liability insurance
1.8(173)	Hiring

CHAPTER 2 TRAFFIC, PARKING AND PUBLIC SAFETY

2.1(173)	Purpose
2.2(173)	Definitions
2.3(173)	General traffic
2.4(173)	Parking control
2.5(173)	Public safety—weapons
2.6(173)	Alcoholic beverages

CHAPTER 3 CAMPGROUNDS

3.1(173)	Camping facilities available
3.2(173)	Registration
3.3(173)	Advance registration
3.4(173)	Parking and traffic
3.5(173)	Violation of rules

CHAPTER 4 SPACE SALES

4.1(173)	Right to sell privileges
4.2(173)	Limited to license agreement privileges
4.3(173)	License agreement renewal
4.4(173)	Reassignment of license agreements
4.5(173)	Extortion
4.6(173)	Board approval of space used
4.7(173)	Rental fee
4.8(173)	Liens
4.9(173)	Insurance
4.10(173)	Preparation opening date
4.11(173)	Building on space
4.12(173)	Approval of board
4.13(173)	Painting and alterations removed
4.14(173)	Removal of structures
4.15(173)	Opening day
4.16(173)	Access
4.17(173)	Dismantling
4.18(173)	Quitting premises
4.19(173)	Removal of structures
4.20(173)	Permanent or semipermanent structures
4.21(173)	Electric light and power
4.22(173)	Use of sound
4.23(173)	Decorating material
4.24(173)	Deliveries

4.25(173)	Discrimination
4.26(173)	Violation of license agreement
	SPECIFIC RULES FOR INDUSTRIAL EXHIBITS
4.27(173)	Direct selling
	SPECIFIC RULES FOR CONCESSIONS
4.28(173)	Needs of the people
4.29(173)	Advertising restrictions

CHAPTER 5 YOUTH HOUSING AND DINING HALL

5.1(173)	Housing

CHAPTER 6 COMPETITIVE EXHIBITS AND COMPETITIONS GENERAL RULES

6.1(173)	Composition of exhibits
6.2(173)	Filing date
6.3(173)	Fees
6.4(173)	Placement and release of exhibits
6.5(173)	Time of judging
6.6(173)	Entries
6.7(173)	Fraud and misrepresentation
6.8(173)	Erroneous entries
6.9(173)	Entry tags
6.10(173)	Transportation charges
6.11(173)	Exhibit safety
6.12(173)	Early removal of exhibits
6.13(173)	Protests
6.14(173)	Judges
6.15(173)	Premiums
6.16(173)	Specials
6.17(173)	Only one exhibitor
6.18(173)	Entries by creator
6.19(173)	Entries by owner
6.20(173)	Substitution of animals
6.21(173)	Elimination of classification
6.22(173)	Health requirements
6.23(173)	Health rules
6.24(173)	Clean stalls
6.25(173)	Exhibition of stalls
6.26(173)	Prompt showing
6.27(173)	Purebred entries
6.28(173)	Reserved pens
6.29(173)	Rent refund
6.30(173)	Forage
6.31(173)	Insurance

CHAPTER 7 INTERIM EVENTS

7.1(173)	Interim events
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7.3(173)	Miscellaneous services offered
7.4(173)	Horse shows
7.5(173)	Horse sales
7.6(173)	Cattle sales/shows
7.7(173)	Sheep sales
7.8(173)	Swine sales/shows
7.9(173)	Walnut Center
7.10(173)	Varied industries building
7.11(173)	Agriculture building

7.12(173)	Youth inns
7.13(173)	Campgrounds
7.14(173)	Grandstand racetrack
7.15(173)	Livestock pavilion
7.16(173)	Multimedia center
7.17(173)	Family theaters
7.18(173)	Sheep and baby beef barn
7.19(173)	4-H exhibit building
7.20(173)	Elwell family food center
7.21(173)	Richard O. Jacobson exhibition center
7.22(173)	Paul R. Knapp animal learning center

CHAPTER 8 ADMITTANCE AND USE OF FAIRGROUNDS

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8.2(173)	Admittance to grounds
8.3(173)	Metal detectors
8.4(173)	Pets

CHAPTER 9 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

9.1(17A,22)	Definitions
9.3 to 9.13	Reserved
9.14(17A,22)	Personally identifiable information—personnel files
9.15(17A,22)	Other groups of records
9.16(17A,22)	Data processing systems

CHAPTER 1
GENERAL RULES

[Prior to 5/18/88, see Fair Board[430] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

371—1.1(173) Functions. The directors and members of the Iowa state fair board shall be responsible for establishing the policies governing the annual state fair, the premium lists, the control of the state fairgrounds including its buildings and equipment, the concessions operated at the state fair, and all other aspects related to the state fair and the state fairgrounds.

371—1.2(173) Organization and operations.

1.2(1) Location. The board's office is located on the Iowa State Fairgrounds, East 30th and Grand Avenue, Des Moines, Iowa; telephone (515)262-3111; mailing address: Iowa State Fair Board, P.O. Box 57130, Des Moines, Iowa 50319-0198; office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

1.2(2) The board. The Iowa state fair board consists of 15 members. All officers are elected by the regular board membership. The 15 members consist of 12 members elected by authorized delegates as specified in Iowa Code section 173.1, the governor, the state agriculture secretary and the president of Iowa State University, or their designees.

1.2(3) Secretary and treasurer. A secretary and treasurer are appointed to implement and carry out policies of the board. The secretary conducts the operations of the board as the board's policies may prescribe and as set forth by law.

1.2(4) Meetings. Board meetings will generally be held once a month; however, establishment and public notice of meeting dates and locations are the responsibility of the secretary, unless the majority of the members of the fair board eligible to vote request a meeting.

a. Agenda. The tentative agenda is prepared by the secretary in advance of the board meeting and will be mailed to board members in advance of the meeting date. A copy of the agenda will be mailed to those members of the public who request it and prominently posted at the fair office 24 hours before the meeting. Members of the public wishing to be scheduled on the board's agenda should notify the secretary ten days in advance of the meeting and provide written materials explaining their reasons for wishing to address the board. Final decisions on the content and length of agenda items shall be the secretary's.

b. General conduct of meetings. The president, or vice president in the absence of the president, presides at all board meetings. Only individuals recognized by the presiding officer may address the board; in general, Robert's Rules of Order will govern the meeting unless otherwise stated in this chapter or by special action of the board.

In all discussions before the board, members of the public shall address any questions for the board to the president. Individual questioning of board members will not be allowed without the explicit consent of the president and the board member in question.

c. Voting. The board consists of 12 elected members and three members consisting of the governor, the state agriculture secretary and the president of Iowa State University who vote on issues. Two-thirds of the board members eligible to vote shall constitute a quorum. A majority of the board members is sufficient to carry an action.

d. Public participation. All meetings are open to the public in accordance with the open meetings law, except that portions of a meeting may be closed in accordance with the open meetings law. A 15-minute public forum will be scheduled on each agenda of regular monthly meetings to allow the public an opportunity to address the board on any issue that may have arisen after the agenda was posted.

1.2(5) Minutes. The minutes of all board meetings are recorded and kept by the secretary in the board's offices.

[ARC 0163C, IAB 6/13/12, effective 7/18/12; Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.]

371—1.3(173) Rules.

1.3(1) Explanation of rules. The administrative rules of the Iowa state fair board are those of general applicability to the public and do not contain specific rules governing competitions, competitors, exhibitors, entertainers or others involved in the programming of the Iowa state fair. Other than general rules for competition, all specific rules for competition and other forms of fair programming will be adopted yearly at the regular April meeting by the Iowa state fair board, and published and made available in the Iowa state fair premium lists by June 1. Proposed rules may be obtained from the fair board office after April 1 each year.

a. Comment on specific rules. Any person wishing to comment on the specific rules of competition and fair programming may do so in writing by submitting comments to the offices of the board for review at its regular April meeting. The board will take all comments received under advisement.

b. Conflict of rules. In the event of conflict between general and specific rules, the latter will take precedence.

1.3(2) Rule application. The administrative rules of the fair board will apply only to the yearly fair-time operations except where year-round applicability is so stated.

1.3(3) Appeal procedures. All protests, challenges to disciplinary action or complaints shall be heard initially by the Iowa state fair board's competition committee according to procedures set out in the fair's annual premium book. An exhibitor may appeal the decision of the competition committee to the fair board. An exhibitor appealing a disqualification or recommended disciplinary action may request an evidentiary hearing conducted pursuant to Iowa Code chapter 17A. If the exhibitor requests that the appeal be heard as an evidentiary hearing, the fair board may retain an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision. The fair board may affirm, reverse or modify the proposed decision.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—1.4(173) Admissions. All admissions to the annual fair and designated shows shall be determined by the fair board and advertised or posted, and anyone entering the fair or the shows being charged for must pay the admission fee or present the proper credentials obtained from the secretary's office.

1.4(1) Return admissions.

a. Persons wishing to leave the fair and return the same day may do so by having one of their hands stamped at the gate.

b. Campers will be required to pay the regular admission to the fair when entering the fairgrounds proper from the campgrounds.

c. Refunds for fair admissions. Requests for refunds for admissions to the fair shall be reviewed by the secretary of the fair or the president of the board to determine if a refund is justified.

1.4(2) Show admission. The Iowa state fair board will contract, produce and stage shows and events within the fair that are suitable to the tastes of the Iowa public, and the fair board shall determine which shows necessitate additional admission charges to the public.

a. Fair board admissions. Each fair board member will be allowed two admissions to each show where there is an admission charge to witness the quality of the show.

b. Refund for shows. In the event the fair is not able to provide cash refunds on demand, refunds will be made by mail upon receipt of proper ticket stub and a self-addressed return envelope.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—1.5(173) Returned checks. In accordance with fair board policy, a fee of \$20 will be charged to anyone whose issued document is not honored by the issuing institution, and the issuer could be liable for up to three times the amount of the document with a maximum charge of \$500 in accordance with Iowa Code section 554.3513.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—1.6(173) Records. The Iowa state fair board will retain its records in accordance with the standards of the records management manual of the Iowa state records commission.

371—1.7(173) Liability insurance. All concessionaires, commercial exhibitors and competitive events exhibitors shall carry liability insurance and shall name the state of Iowa, Iowa state fair authority, their officers, employees and agents as additional insured and shall furnish a certificate of such insurance to the authority.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

371—1.8(173) Hiring. A person who has served as a member of the Iowa state fair board shall not, within a period of two years after termination of membership on the board, accept employment with the Iowa state fair.

[ARC 0163C, IAB 6/13/12, effective 7/18/12]

These rules are intended to implement Iowa Code sections 173.14 and 173.15.

[Filed 6/19/81, Notice 4/15/81—published 7/8/81, effective 8/12/81]

[Filed 10/8/82, Notice 7/21/82—published 10/27/82, effective 12/2/82]

[Filed 6/28/85, Notice 5/22/85—published 7/17/85, effective 9/1/85]

[Filed 2/14/86, Notice 12/18/85—published 3/12/86, effective 4/16/86]

[Filed 7/1/87, Notice 5/6/87—published 7/29/87, effective 9/2/87¹]

[Filed emergency 9/25/87—published 10/21/87, effective 10/21/87]

[Filed 4/22/88, Notice 2/24/88—published 5/18/88, effective 6/30/88]

[Filed 8/1/88, Notice 5/18/88—published 8/24/88, effective 9/28/88]

[Filed 3/23/95, Notice 2/15/95—published 4/12/95, effective 5/17/95]

[Filed ARC 0163C (Notice ARC 0049C, IAB 3/21/12), IAB 6/13/12, effective 7/18/12]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

¹ Effective date of 1.5(173) delayed 70 days by the Administrative Rules Review Committee.

CHAPTER 9
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

371—9.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of “(official or body issuing these rules)” insert “the fair board”.

371—9.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

371—9.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

371—9.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

371—9.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

371—9.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

371—9.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

371—9.14(17A,22) Personally identifiable information—personnel files. The fair board maintains files containing information about employees and applicants for positions with the agency. The files include payroll records, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

371—9.15(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 9.1(17A,22). These records are routinely available to the public. However, the agency’s files of these records may contain confidential information as discussed in rule 9.13(17A,22). The records listed may contain information about individuals.

Council and commission records. Agendas, minutes, and materials presented to the fair board are available from the office of the fair board, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Fair board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

1. Administrative records. This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

2. Publications. The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

3. Office publications. This office issues a variety of materials including premium books and newsletters, brochures and pamphlets, press releases, and statistical reports.

4. Rule-making records. Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

5. Office manuals. Information in office manuals such as the Superintendents Manual may be confidential under Iowa Code section 17A.2(7) “f” or other applicable provision of law.

6. All other records that are not exempted from disclosure by law.

371—9.16(17A,22) Data processing systems. None of the data processing systems used by the agency 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 section 22.11.

[Filed 8/1/88, Notice 5/18/88—published 8/24/88, effective 9/28/88]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

HUMAN SERVICES DEPARTMENT[441]

Rules transferred from Social Services Department[770] to Human Services Department[498], see
1983 Iowa Acts, Senate File 464, effective July 1, 1983.

Rules transferred from agency number [498] to [441] to conform with the reorganization
numbering scheme in general, IAC Supp. 2/11/87.

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GENERAL DEPARTMENTAL PROCEDURES

TITLE I

CHAPTER 1

DEPARTMENT ORGANIZATION AND GENERAL DEFINITIONS

[Prior to 7/1/83, Social Services [770] Ch 1]

[Prior to 2/11/87, Human Services[498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/3/29

441—1.1(217) History and mission. The Iowa department of health and human services was established in 2022 pursuant to 2022 Iowa Acts, House File 2578, and fully codified pursuant to 2023 Iowa Acts, Senate File 514. The authority delegated to the department had previously been delegated to the departments of human services, public health, aging, and human rights; the Iowa commission on volunteer service; the child advocacy board and the department of inspections and appeals. In 2023, the general assembly combined these agencies and programs to create the department of health and human services. The department's mission is published on the department's website.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—1.2(217) Definitions. For the purposes of the department's rules, unless otherwise defined:

"*Council*" means the health and human services council.

"*Department*" means the department of health and human services.

"*Director*" means the director of health and human services.

"*Electronic signature*" means a confidential personalized digital key, code, or number that is used for secure electronic data transmission and that identifies and authenticates the signatory.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—1.3(217) Department structure.

1.3(1) General. The department's organizational structure consists of the council, the director and such divisions as the director may from time to time create.

1.3(2) Director. The department director is appointed pursuant to the requirements in Iowa Code section 217.5.

1.3(3) Delegation of director authority. The director may designate employee(s) to administer the department in the director's absence. The director may also delegate the director's authority to administer the department to other employees as determined necessary for efficient and effective department operations. Delegations of the director's authority will be documented by the department.

1.3(4) Divisions. The director may from time to time reorganize the department into administrative divisions to most efficiently and effectively carry out the department's responsibilities. Reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary.

[ARC 8045C, IAB 5/29/24, effective 7/3/24; Editorial change: IAC Supplement 7/8/26]

441—1.4(217) Information. The general public may obtain information about the department by contacting the department at its offices located at 321 E. 12th Street, Des Moines, Iowa 50319, telephone 515.281.5452, or through the department's website.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—1.5(217) Health and human services council. The council is established in Iowa Code section 217.2 and its duties are in Iowa Code section 217.3. Meetings of the council and any ad hoc committee it may establish are conducted in accordance with the provisions of Iowa Code chapter 21.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

441—1.6(217) State council on developmental disabilities. The state developmental disabilities council and its duties are established in 42 U.S.C. §15025.

1.6(1) *Designated state agency.* The department serves as the designated state agency.

1.6(2) *Membership.* The council consists of up to 26 members appointed by the governor. Members serve three-year terms. Appointments are staggered so at least one-third of the members are appointed each year. The nonattendance provisions of Iowa Code section 69.15 apply to the council's members.

1.6(3) *Meetings.* Meetings of the council are conducted in accordance with the provisions of Iowa Code chapter 21.

1.6(4) *Council information.* The general public may obtain information about the council at its offices located at 700 2nd Avenue, Suite 101, Des Moines, Iowa, 50309; telephone 800.452.1936; or the website iowaddcouncil.org.

[ARC 8045C, IAB 5/29/24, effective 7/3/24]

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[Filed 10/23/03, Notice 7/9/03—published 11/12/03, effective 1/1/04]

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[Filed ARC 8045C (Notice ARC 7358C, IAB 1/24/24), IAB 5/29/24, effective 7/3/24]

[Editorial change: IAC Supplement 7/8/26]

¹ The effective date of **ARC 7711C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.

CHAPTER 2
CONTRACTING OUT DEPARTMENT OF HUMAN SERVICES
EMPLOYEES AND PROPERTY
Rescinded **ARC 8108C**, IAB 7/10/24, effective 8/14/24

CHAPTER 3
DEPARTMENT PROCEDURE FOR RULEMAKING
[Ch 3, 1973 IDR, renumbered as [770] Ch 77]
[Prior to 7/1/83, Social Services[770] Ch 3]
[Prior to 2/11/87, Human Services[498]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
PETITIONS FOR RULEMAKING
[Ch 4, 1974 IDR, renumbered as [770] Ch 78]
[Prior to 7/1/83, Social Services[770] Ch 4]
[Prior to 2/11/87, Human Services[498]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DECLARATORY ORDERS
[Ch 5, 1973 IDR, renumbered as [770] Ch 79]
[Prior to 7/1/83, Social Services[770] Ch 5]
[Prior to 2/11/87, Human Services[498]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
WAIVERS OF HEALTH AND HUMAN SERVICES
ADMINISTRATIVE RULES
[Prior to 6/28/23, see Public Health Department[641] Ch 178]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
APPEALS AND HEARINGS
[Ch 7, July 1973 IDR Supplement, renumbered as Ch 81]
[Prior to 7/1/83, Social Services[770] Ch 7]
[Prior to 2/11/87, Human Services[498]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 10

COLLECTION OF DELINQUENT DEBTS

[Prior to 1/24/24, see Public Health Department[641] Ch 179]

Rescinded **ARC 8205C**, IAB 9/4/24, effective 10/9/24

INSPECTIONS AND APPEALS DEPARTMENT[481]

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

[481—Chapter 4 renumbered as 481—Chapter 10, effective 3/16/88.]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[481—Chapter 5 renumbered as 481—Chapter 11, IAB 2/10/88, effective 3/16/88]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

481—5.1(17A,22) Definitions. As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “department of inspections and appeals”.

“*Custodian*” means an agency, which owns and exercises control over public records. The originating agency, if any, is the custodian of records which are used to perform work or a service for the originating agency.

“*Originating agency*” means any government agency which has requested the department to perform work or a service on its behalf. An originating agency retains custody of all records provided by the originating agency to the department.

481—5.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.6(17A,22) Procedure by which a subject may have additions, dissents, or objections entered into the record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.14(17A,22) Authority to release confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—5.15(17A,22) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

481—5.16(17A,22) Personally identifiable information. The department maintains systems of records which contain personally identifiable information.

5.16(1) Rule making. Rule-making records may contain information about people who make written or oral comments about proposed rules. Iowa Code section 17A.4 requires collection and retention of this information.

5.16(2) *Administrative hearings division.* Contested case records are maintained in electronic files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the contested case file.

Records are collected by authority of Iowa Code chapter 10A. None of the information stored in a data processing system is compared with information in any other data processing system.

Records of hearings are recorded digitally or in written transcripts.

5.16(3) *Appellate defender.* By authority of Iowa Code chapter 13B, the appellate defender maintains information and records relating to criminal and postconviction relief cases that are being appealed. Records contain names and identifying numbers of persons involved in these cases, and are maintained in paper and electronic files. Case information is not stored in a data processing system and cannot be compared with information in any data processing system. By authority of Iowa Code section 915.36, the appellate defender shall not disclose the names of child victims. Presentence investigation reports in the possession of the appellate defender are confidential records pursuant to Iowa Code section 901.4.

Litigation 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, attorney's notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain material which is 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 wishing copies of pleadings and other documents filed in litigation should obtain them from the clerk of the appropriate court which maintains the official copy.

5.16(4) *Investigations division.* Files are stored electronically using encrypted cloud storage and state-administered servers. Electronic records are retrievable using a name, social security number, state identification number, or other program identifier, as applicable.

All records are collected and stored by the investigations division pursuant to Iowa Code section 10A.402.

Comparisons between record systems are explained in rule 481—90.8(10A).

5.16(5) *Health facilities division.* Records of the health facilities division are collected pursuant to Iowa Code sections 10A.702, 235E.2, and other entity- and program-specific authority. Records are maintained in paper and electronic files and may contain personally identifiable information. Records may be compared with information on data processing systems, including the direct care worker registry, and may be retrievable by personal identifier. A general list of records considered confidential is available in rule 481—50.8(10A).

[ARC 6862C, IAB 2/8/23, effective 3/15/23]

These rules are intended to implement Iowa Code sections 10A.105, 22.7, 22.11, 135B.12, 135C.19, 217.30 and 272C.6.

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed emergency 11/30/95—published 12/20/95, effective 11/30/95]

[Filed ARC 6802C (Notice ARC 6609C, IAB 11/2/22), IAB 1/11/23, effective 2/15/23]

[Filed ARC 6862C (Notice ARC 6741C, IAB 12/14/22), IAB 2/8/23, effective 3/15/23]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 6
UNIFORM WAIVER STANDARDS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
CONTESTED CASES

[Prior to 12/20/17, see 481—Ch 10]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 301
STATE BUILDING CODE

[Prior to 12/21/05, see rules 661—16.1(103A) to 661—16.500(103A)]

[Prior to 11/26/25, see Public Safety Department[661] Ch 301]

Chapter rescission date pursuant to Iowa Code section 17A.7: 9/10/30

PART 1
GENERAL PROVISIONS

481—301.1(103A) Scope and applicability. The provisions of this chapter apply to buildings and facilities subject to the state building code pursuant to Iowa Code chapter 103A, including sections 103A.10 and 103A.12, and provisions of state or federal law other than Iowa Code chapter 103A.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.2(103A) Definitions. The definitions set forth in Iowa Code section 103A.3 are incorporated herein by reference. Additionally:

“Appropriated by the state of Iowa” means funds that are included in a bill enacted by the Iowa general assembly and signed by the governor or that are appropriated in a provision of the Iowa Code.

“Board of appeals” means the local board of appeals as created by local ordinance.

“Building component” means any part, subsystem, subassembly, or other system designed for use in, or as a part of, a structure, including but not limited to the following: structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

“Building department” means an agency of any governmental subdivision charged with the administration, supervision, or enforcement of building regulations, prescribed or required by state or local building regulations.

“Building system” means plans, specifications and documentation for a system of manufactured factory-built structures or buildings or for a type or a system of building components, including but not limited to the following: structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

“Bureau” means the building code bureau of the department of inspections, appeals, and licensing.

“Construction cost” means the total cost of the work to the owner of all elements of the project designed or specified by the design professional including the cost at current market rates of labor and materials furnished by the owner and equipment designed, specified or specifically provided by the design professional. Construction costs include the costs of management or supervision of construction or installation provided by a separate construction manager or contractor, plus a reasonable allowance for each construction manager’s or contractor’s overhead and profit.

“Enforcement authority” means any state agency or political subdivision of the state that has the authority to enforce the state building code.

“Label” means an approved device affixed to a factory-built structure or building, or building component, by an approved agency, evidencing code compliance.

“Listing agency” means an agency approved by the commissioner that is in the business of listing or labeling, that maintains a periodic inspection program on current production of listed models, and that makes available timely reports of such listing including specific information verifying that the product has been tested to approved standards and found acceptable for use in a specified manner.

“Responsible design professional” means a registered architect or licensed professional engineer who stamps and signs the documents submitted, pursuant to Iowa Code chapters 542B and 544A.

“State fire code” means administrative rules adopted by the director of the department of inspections, appeals, and licensing in consultation with the state fire marshal, pursuant to Iowa Code section 10A.511.

“State mechanical code” means the state mechanical code adopted by the state plumbing and mechanical systems board, pursuant to Iowa Code chapter 105.

“State plumbing code” means the state plumbing code adopted by the state plumbing and mechanical systems board, pursuant to Iowa Code chapter 105.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.3(103A) General provisions. The provisions of the International Building Code, 2024 edition, published by the International Code Council, www.iccsafe.org, are hereby adopted by reference as the general requirements for building construction, with the following amendments:

301.3(1) Delete section 101.1.

301.3(2) Delete section 101.2 and insert in lieu thereof the following new section:

101.2 Scope. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code, as amended by rule 481—301.8(103A).

301.3(3) Delete sections 101.4.1 through 101.4.6.

301.3(4) Delete section 102.6 and insert in lieu thereof the following new section:

102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code is permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the building code commissioner for the general safety and welfare of the occupants and the public.

301.3(5) Delete sections 103, 104, 105 and sections therein.

301.3(6) Delete section 106.2.

301.3(7) Delete section 107.1 and insert in lieu thereof the following new section:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, a geotechnical report and other data shall be submitted in one or more sets with each plan review application. The construction documents shall be prepared by a responsible design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the commissioner is authorized to require additional construction documents to be prepared by a responsible design professional.

Exception: The commissioner may waive the submission of construction documents and other data if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

301.3(8) Delete sections 107.3, 107.4, and 107.5 and sections therein.

301.3(9) Delete sections 109, 110, 111, 112, 113, 114, 115, and 116 and sections therein.

301.3(10) Add the following to section 202, Definitions:

“Cabin Building.” A residential building or structure the use of which is transient in nature and which is used for sleeping purposes when not classified as an Institutional Group I or when not regulated by the International Residential Code.

301.3(11) Add the following to section 310.2:

Cabin buildings.

301.3(12) Add the following new section 408.9.1:

408.9.1 Windowed Buildings. Plans and specifications for windowed buildings or portions of windowed buildings shall include a rational analysis demonstrating a tenable environment for exiting from the smoke compartment in the area of fire origin.

301.3(13) Delete section 423 in its entirety and insert in lieu thereof the following new section:

423 Storm Shelters.

423.1 General. Any storm shelter or weather safe room as defined by rule 481—301.38(103A) shall comply with ICC 500-2014.

423.1.1 Scope. In accordance with 481—Chapter 301, Part 6, this section applies to storm shelters and weather safe rooms constructed on or after January 1, 2011. This section does not require the construction of a weather safe room or rooms for any construction project but does establish standards for design and construction of storm shelters and weather safe rooms when their construction is required by another statute, federal statute or regulation, or is incorporated voluntarily in a construction project.

301.3(14) Delete section 903.2.8, except for subsections 903.2.8.1 through 903.2.8.3, and insert in lieu thereof the following new section:

903.2.8 Group R. An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Cabin buildings that are located in remote areas without a sufficient municipal water supply for design of a fire sprinkler system and that meet all of the following:

1. Not more than one story.
2. Not more than 750 square feet in floor area.
3. Fuel-fired heating equipment and other fuel-fired appliances are separated from sleeping areas by a one-hour fire-rated assembly.
4. Provided with fire alarm and smoke alarm systems in accord with 907 for R-1 occupancies.
5. No basements.
6. Maintain a fire separation of 20 feet from any other building or structure.
7. Comply with all applicable requirements of the state building code.

301.3(15) Delete section 907.2.3 and insert in lieu thereof the following new section:

907.2.3 Group E. In the absence of a complete automatic sprinkler system, a complete automatic detection system utilizing an emergency voice/alarm communication system shall be installed throughout the entire Group E occupancy. A Group E occupancy with a complete automatic sprinkler system shall be provided with a fire alarm system utilizing an emergency voice/alarm communication system in compliance with section 907.5.2.2 and installed in accordance with section 907.6. Smoke detection shall be provided in corridors at a maximum spacing of 30 feet on center, and heat or smoke detection provided in any hazardous or nonoccupied areas.

Exceptions:

1. Group E occupancies with an occupant load of less than 50.
2. Manual fire alarm boxes are not necessary in Group E occupancies where all of the following apply:
 - 2.1. Interior corridors are protected by smoke detectors with alarm verification.
 - 2.2. Auditoriums, cafeterias, gymnasiums and the like are protected by heat detectors or other approved detection devices.
 - 2.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 - 2.4. Off-premises monitoring is provided.
 - 2.5. The capability to activate the evacuation signal from a central point is provided.
 - 2.6. In buildings where normally occupied spaces are provided with a two-way communication system between such spaces and a constantly attended receiving station from which a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official.
3. Manual fire alarm boxes are not necessary in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system, the notification appliances will activate on sprinkler water flow, and manual activation is provided from a normally occupied location.
4. Emergency voice/alarm communication systems meeting the requirements of section 907.5.2.2 and installed in accordance with section 907.6 are not necessary in Group E occupancies with occupant loads of 100 or less, provided that activation of the fire alarm system initiates an approved occupant notification signal in accordance with section 907.5.

301.3(16) Add the following new section 1003.8:

1003.8 Frost Protection. Exterior landings at doors shall be provided with frost protection.

301.3(17) Add the following new section 1027.5.1:

1027.5.1 Exit Discharge Pathways. Exit discharge pathways shall be paved from all exits of the building to the public way.

301.3(18) Delete section 1030.1.1 and insert in lieu thereof the following new section:

1030.1.1 Bleachers, grandstands, and folding and telescopic seating that are not building elements shall comply with ICC-300, Standard for Bleachers, Folding and Telescopic Seating, and Grandstands, 2012 edition, with the following amendments to ICC-300:

a. Delete section 105.2 and insert in lieu thereof the following new section:

105.2 Yearly inspection. All bleachers and folding and telescopic seating installed on or after December 1, 2011, shall be inspected at least once a year in order to verify that the structure is maintained in compliance with the provisions of this standard. All folding and telescopic seating shall also be inspected to evaluate compliance with the manufacturer's installation and operational instructions during the opening and closing of such seating. Any inspection conducted in compliance with this section may be conducted by any knowledgeable person including, but not limited to, a person who has been instructed by the manufacturer or installer as to procedures and standards for inspections of the structure being inspected and including, but not limited to, the owner of the structure or an employee of the owner of the structure. There are no further restrictions on the identity or employment of the person conducting the inspection unless otherwise provided by law. The owner shall maintain documentation of the required annual inspections, showing the date and name of the person conducting the inspection and initialed by the person conducting the inspection.

b. Delete section 501.2 and insert in lieu thereof the following new section:

501.2 Inspections. All tiered seating that was installed prior to December 1, 2011, shall be inspected at least once a year. The inspection may be conducted by any knowledgeable person including, but not limited to, a person who has been instructed by the manufacturer or installer as to procedures and standards for inspections of the structure being inspected and including, but not limited to, the owner of the structure or an employee of the owner of the structure. There are no further restrictions on the person conducting the inspection unless otherwise provided by law. All folding and telescopic seating shall be inspected to evaluate compliance with the manufacturer's installation and operational instructions and be inspected during the opening and closing of such seating. The owner shall maintain documentation of the inspections, which show the date and name of the person conducting the inspection and are initialed by the person conducting the inspection.

301.3(19) Add the following new section 1100:

1100. Any building or facility in compliance with the applicable requirements of 481—Chapter 301, Part 2, is in compliance with any applicable requirements contained in the International Building Code concerning accessibility for persons with disabilities.

301.3(20) Delete chapter 29.

301.3(21) Amend section 3001.3 by adding the following new unnumbered paragraph after the introductory paragraph:

Notwithstanding the references in Chapter 35 to editions of national standards adopted in this section, any editions of these standards adopted by the elevator safety board in 481—Chapter 372 are hereby adopted by reference. If a standard is adopted by reference in this section and there is no adoption by reference of the same standard in 481—Chapter 372, the adoption by reference in this section is of the edition identified in Chapter 35.

301.3(22) Delete appendices A, B, D, E, F, G, H, I, J, K, L, M, N, O, and P.**301.3(23)** Retain Appendix C, Group U Agricultural Buildings.

301.3(24) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.3(25) Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 481—301.9(103A)".

301.3(26) Delete all references to the "International Mechanical Code" and insert in lieu thereof "state mechanical code".

301.3(27) Delete all references to the “International Residential Code” and insert in lieu thereof “rule 481—301.8(103A)”.

301.3(28) Delete all references to the “International Energy Conservation Code” and insert in lieu thereof “481—Chapter 301, Part 3”.

301.3(29) *Hospitals and health care facilities.*

a. A hospital, as defined in rule 481—280.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the hospital is in compliance with the provisions of rule 481—280.14(10A). In any other case in which an applicable requirement of the Life Safety Code, adopted in 481—subrule 280.14(2), is inconsistent with an applicable requirement of the state building code, the hospital is in compliance with the state building code requirement if the Life Safety Code requirement is met.

b. A nursing facility or hospice, as defined in rule 481—280.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the nursing facility or hospice is in compliance with the provisions of rule 481—280.14(10A). In any other case in which an applicable requirement of the Life Safety Code, adopted in 481—subrule 280.14(2), is inconsistent with an applicable requirement of the state building code, the nursing facility or hospice is in compliance with the state building code requirement if the Life Safety Code requirement is met.

c. An intermediate care facility, as defined in rule 481—280.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the intermediate care facility is in compliance with the provisions of rule 481—280.14(10A). In any other case in which an applicable requirement of the Life Safety Code, as adopted in 481—subrule 280.14(2), is inconsistent with an applicable requirement of the state building code, the intermediate care facility is in compliance with the state building code requirement if the Life Safety Code requirement is met.

d. An ambulatory surgical center, as defined in rule 481—280.2(10A), that is required to meet the provisions of the state building code is in compliance with the fire safety requirements of the state building code if the ambulatory surgical center is in compliance with the provisions of rule 481—280.14(10A). In any other case in which an applicable requirement of the Life Safety Code, as adopted in 481—subrule 280.14(2), is inconsistent with an applicable requirement of the state building code, the ambulatory surgical center is in compliance with the state building code requirement if the Life Safety Code requirement is met.

e. A religious nonmedical health care institution that is required to meet the provisions of the state building code is in compliance with the provisions of the state building code if the institution is in compliance with the provisions of rule 481—280.14(10A). In any other case in which an applicable requirement of the Life Safety Code, as adopted in 481—subrule 280.14(2), is inconsistent with an applicable requirement of the state building code, the religious nonmedical health care institution is in compliance with the state building code requirement if the Life Safety Code requirement is met.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.4(103A) Mechanical requirements. The provisions of the state mechanical code, 481—Chapter 426, as adopted and amended by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105 are hereby adopted by reference as the requirements for mechanical installations.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.5(103A) Electrical requirements. The provisions of the state electrical code, as adopted and amended in 481—Chapter 404, are hereby adopted by reference as the requirements for electrical installations.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.6(103A) Plumbing requirements.

301.6(1) Provisions of the state plumbing code, 481—Chapter 425, adopted by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105, apply to plumbing installations in this state.

301.6(2) Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with the International Plumbing Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org. The manufacturer's data plate must indicate which plumbing code was utilized for compliance with this rule, as set forth in 481—paragraph 321.610(15) "e."

301.6(3) Private sewage disposal systems shall comply with 567—Chapter 69.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.7(103A) Existing buildings. The provisions of the International Existing Building Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org, are hereby adopted by reference as the requirements for repair, alteration, change of occupancy, addition, and relocation of existing buildings, with the following amendments:

301.7(1) Delete section 101.1.

301.7(2) Delete section 101.4.2 and insert in lieu thereof the following new section:

101.4.2 Buildings Previously Occupied. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the commissioner for the general safety and welfare of the occupants and the public.

301.7(3) Delete sections 101.5 and 101.6.

301.7(4) Delete sections 103, 104, and 105.

301.7(5) Delete sections 106.1, 106.3, 106.4, 106.5, and 106.6.

301.7(6) Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117.

301.7(7) Delete section 306.

301.7(8) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.7(9) Delete all references to the "International Fuel Gas Code" and insert in lieu thereof "rule 481—301.9(103A)".

301.7(10) Delete all references to the "International Mechanical Code" and insert in lieu thereof "state mechanical code".

301.7(11) Delete all references to the "International Building Code" and insert in lieu thereof "rule 481—301.3(103A)".

301.7(12) Delete all references to the "International Residential Code" and insert in lieu thereof "rule 481—301.8(103A)".

301.7(13) Delete all references to the "International Fire Code" and insert in lieu thereof "state fire code".

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.8(103A) Residential construction requirements. The provisions of the International Residential Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org, are hereby adopted by reference as the requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, with the following amendments:

301.8(1) Delete section R101.1.

301.8(2) Delete sections R103 through R114 and sections therein.

301.8(3) NOTE: The values for Table R301.2 are determined by the location of the project and referenced footnotes from Table R301.2.

301.8(4) Amend section R306.1.7 by striking the words "Chapter 3 of the International Private Sewage Disposal Code" and inserting in lieu thereof "567—Chapter 69".

301.8(5) Delete section R309.1.

NOTE: Deletion of section R309.1, which would have required the installation of sprinklers in newly constructed townhouses, is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

301.8(6) Delete section R309.2.

NOTE: Deletion of section R309.2, which would have required the installation of sprinklers in newly constructed one- and two-family residences, is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

301.8(7) Delete section R319.1 and insert in lieu thereof the following new section:

R319.1 Emergency escape and rescue required as follows: Basements, habitable attics and every sleeping room have at least one operable emergency and rescue opening that opens directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings are in each sleeping room, but are not necessary in adjoining areas of the basement. Where emergency escape and rescue openings are provided, they have a sill height of not more than 44 inches (1118 mm) above an adjacent permanent interior standing surface that is no less than 36 inches wide and 18 inches deep and no more than 24 inches high. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure complies with section R319.3. The net clear opening dimensions are obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation are provided with a window well in accordance with section R319.2. Emergency escape and rescue openings open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

- Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).
- Storm shelters constructed in accordance with 481—Chapter 301, Part 2.
- Where the dwelling unit or townhouse unit is equipped with an automatic sprinkler system installed in accordance with section P2904, sleeping rooms in basements are not required to have emergency escape and rescue openings provided that the basement has either (1) one means of egress complying with section R318 and one emergency escape and rescue opening or (2) two means of egress complying with section R318.
- A yard is not required to open directly into a public way where the yard opens to an unobstructed path from the yard to the public way if the path has a width of not less than 36 inches (914 mm).

301.8(8) Delete chapter 11 and insert in lieu thereof rule 481—301.24(103A).

301.8(9) Delete chapter 24 and sections therein and insert in lieu thereof the following new section:

All fuel gas piping installations shall comply with rule 481—301.9(103A).

301.8(10) Delete chapters 25 through 33 and sections therein, except for section P2904, and insert in lieu thereof the following new section:

All plumbing installations shall comply with the state plumbing code as adopted by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105.

Exception: Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with the International Plumbing Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org. The manufacturer's data plate must indicate which plumbing code was utilized for compliance with this rule, as set forth in 481—paragraph 321.610(15) "e."

301.8(11) Delete chapters 34 to 43 and sections therein and insert in lieu thereof the following new section:

The provisions of the state electrical code, as adopted and amended in 481—Chapter 404, are hereby adopted by reference as the requirements for electrical installations.

301.8(12) Delete appendices AA through CH.

301.8(13) Delete all references to the "International Plumbing Code" and insert in lieu thereof "state plumbing code".

301.8(14) Delete all references to the “International Mechanical Code” and insert in lieu thereof “state mechanical code”.

301.8(15) Delete all references to the “International Fuel Gas Code” and insert in lieu thereof “rule 481—301.9(103A)”.

301.8(16) Delete all references to the “International Building Code” and insert in lieu thereof “rule 481—301.3(103A)”.

301.8(17) Delete all references to the “International Fire Code” and insert in lieu thereof “state fire code”.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.9(103A) Fuel gas piping requirements. Fuel gas piping shall comply with the requirements of rule 481—425.3(105). Liquefied petroleum gas facilities and appliances shall comply with rule 481—286.1(101).

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481—301.10(103A) Transition period. A construction project subject to the provisions of any rule in Part 1 or Part 3 and commenced within 12 months after the effective date of revised standards may comply with either the newly adopted standards or the previous standards. “Commenced” means that the submitter has obtained preliminary approval from the commissioner or a local building department pursuant to rule 481—300.6(103A).

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.11 to 301.15 Reserved.

PART 2

ACCESSIBILITY OF BUILDINGS AND FACILITIES AVAILABLE TO THE PUBLIC

481—301.16(103A,104A) Purpose and scope. Part 2 is intended to ensure that buildings and facilities used by the public, other than places of worship, are accessible to, and functional for, persons with disabilities. Rule 481—301.18(103A,104A) applies statewide to new construction of buildings and facilities available to the public and to renovation and rehabilitation projects on existing buildings and facilities when local or state building codes require compliance with standards for new construction. Rule 481—301.19(103A,104A) applies statewide to construction of multiunit residential buildings.

301.16(1) NOTE A. Although rule 481—301.18(103A,104A) is based upon the federal 2010 ADA Standards for Accessible Design and adopts the language of the 2010 ADA Standards for Accessible Design by reference, and rule 481—301.19(103A,104A) is based upon the requirements of the federal Fair Housing Act, determinations of state and local building officials charged with enforcement of these rules are not binding on other state or federal jurisdictions and do not prevent the federal government or another state from making a different determination under applicable law.

301.16(2) NOTE B. Other federal and state laws address requirements for accessibility for persons with disabilities and may be applicable to buildings and facilities subject to Part 2. Nothing in these rules should be interpreted as limiting the applicability of other provisions of state or federal law. These provisions include but are not limited to the following:

- a. Iowa Code chapter 216, the Iowa civil rights Act of 1965.
- b. Iowa Code chapter 216C, which enumerates the rights of persons who are blind or partially blind and persons with physical disabilities.
- c. Iowa Code chapter 321L and 661—Chapter 18, which relate to requirements for parking for persons with disabilities.
- d. The federal Architectural Barriers Act of 1968 (Public Law 90-480).
- e. The federal Rehabilitation Act of 1973 (Public Law 93-112).
- f. The federal Fair Housing Act of 1968 (Public Law 90-284); the federal Fair Housing Amendments Act of 1988 (Public Law 100-430); and related regulations, including 24 CFR 100, Subpart D.

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481—301.17(103A,104A) Definitions. The following definitions apply to Part 2:

“*ADA*” means the federal Americans with Disabilities Act (Public Law 101-336).

“*ADAAG*” means Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, 28 CFR Part 36, Appendix A, as revised through July 1, 1994.

“*ADASAD 2010*” means 2010 ADA Standards for Accessible Design, published by the U.S. Department of Justice, September 15, 2010. Included in the publication are accessibility standards for state and local government facilities and accessibility standards for public accommodations and commercial facilities.

NOTE: Copies of ADASAD 2010 and additional explanatory material may be downloaded from www.ada.gov/law-and-regs.

“*IBC*” means the International Building Code, adopted in rule 481—301.3(103A).

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481—301.18(103A,104A) Accessibility of buildings and facilities available to the public. Buildings and facilities that are available to the public, other than places of worship, shall comply with one of the following:

301.18(1) Applicable provisions of ADASAD 2010.

301.18(2) IBC, Chapter 11 and applicable accessibility provisions contained in IBC.

NOTE: Approval of construction plans based upon compliance with the applicable provisions of the IBC, as provided, does not relieve the designer, builder, building owner, or building operator from responsibility under federal law to comply with all applicable provisions of the 2010 ADA Standards for Accessible Design.

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481—301.19(103A,104A) Making apartments accessible and functional for persons with disabilities.

301.19(1) Multiple dwelling unit buildings. This rule applies to all multiple dwelling unit buildings that consist of four or more dwelling units if such buildings have one or more elevators. In such buildings without an elevator, all ground floor units must be accessible. The requirements of this rule apply to the individual dwelling units and the common use spaces that are accessible to persons with disabilities in multiple dwelling unit buildings.

EXCEPTION 1: A multiple dwelling unit building is deemed to be in compliance with this rule if it is located in a local jurisdiction that has enacted accessibility rules that have been recognized by the U.S. Department of Housing and Urban Development as providing a safe harbor for compliance with the accessibility requirements established in the federal Fair Housing Act and if the building has been found to be in compliance with those requirements unless the building is required to comply with the requirements of the Uniform Federal Accessibility Standards or other applicable standards that may be more restrictive than the provisions of this rule.

EXCEPTION 2: Certain multiple dwelling unit buildings are required to comply with the Uniform Federal Accessibility Standards, published by the U.S. Access Board, 1988. Compliance with the provisions of this rule does not substitute for compliance with any applicable provision of the Uniform Federal Accessibility Standards or any other applicable standards that may be more restrictive than the provisions of this rule.

NOTE: Compliance with the Uniform Federal Accessibility Standards is generally necessary for buildings and facilities constructed with federal financial assistance.

“*Dwelling unit*” means a single unit of residence for a household of one or more persons. Examples of a dwelling unit covered by these rules include a condominium, an apartment unit within an apartment building, and another type of dwelling in which sleeping accommodations are provided but toilet or cooking facilities are shared by occupants of more than one room or portion of the dwelling. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless persons.

“Ground floor” means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors.

a. The individual dwelling units shall contain an accessible route into and through the unit, as well as meet the following:

(1) All doors intended for use as passage through the dwelling unit have a clear opening of at least 32" nominal width with the door open 90 degrees, measured between the face of the door and the stop. Openings more than 24" in depth are not considered doorways.

NOTE: A 34" door, hung in the standard manner, provides an acceptable 32" opening.

(2) Except at doorways, the minimum clear width of the accessible route is at least 36" wide.

(3) In single-story units, special features such as lofts or sunken or raised areas may be on an accessible route provided the areas do not interrupt the accessible route through the remainder of the dwelling unit.

(4) In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator is the primary entry to the unit and such entry/accessible floor complies with the requirements of subparagraphs (1), (2) and (3) above. The entry/accessible floor contains a bathroom or powder room that complies with paragraph "c" below.

(5) Exterior deck, patio, or balcony surfaces are no more than ½" below the floor level of the interior of the dwelling unit unless they are constructed of impervious material such as concrete, brick or flagstone. In such case, the surface is no more than 4" below the floor level of the interior or lower if required by local building code.

(6) Thresholds at exterior doors, including sliding tracks, are no higher than ¾". Thresholds and changes in elevations as in subparagraph (5) above are beveled with a slope no greater than 1:2.

b. Kitchens shall meet or be adaptable to meet the following:

(1) A clear floor space at least 30" × 48" that allows a parallel approach by a person in a wheelchair is provided at the range or cooktop and the sink. Either a parallel or forward approach is provided at the oven, dishwasher, refrigerator/freezer or trash compactor.

(2) Clearance between counters and all opposing base cabinets, countertops, appliances or walls are at least 40". In U-shaped kitchens with a sink or cooktop at the base of the "U," the base cabinets are removable at that location or a 60" turning radius is provided.

c. All bathrooms of covered multifamily dwelling units shall comply with provisions of subparagraph (1) of this paragraph or at least one bathroom in the dwelling unit shall comply with provisions of subparagraph (2) of this paragraph and all other bathrooms and powder rooms within the dwelling unit must be on an accessible route with usable entry doors in accordance with paragraph "a" above. "Powder room" means a room with a toilet and sink.

In multistory dwelling units, only those bathrooms on the accessible level are subject to these requirements. Where the powder room is the only facility provided on the accessible level of a multistory dwelling unit, the powder room must comply with the provisions of subparagraph (1) or (2) of this paragraph.

(1) Sufficient maneuvering space is provided within the bathroom for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit. Doors may swing into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering space may include any knee space or toe space available below the bathroom fixtures.

Clear floor space at fixtures may overlap.

If the shower stall is the only bathing facility provided in the covered dwelling unit, the shower stall measures at least 36" × 36".

NOTE: Cabinets under lavatories are acceptable provided the bathroom has space to allow a parallel approach by a person in a wheelchair; if parallel approach is not possible within the space, any cabinets provided would have to be removable to afford the necessary knee clearance for forward approach.

(2) Where the door swings into the bathroom, there is a clear space (2'6" × 4'0") within the room to position a wheelchair or other mobility aid clear of the path of the door as it is closed and to permit the

use of the fixtures. This clear space can include any knee space and toe space available below the bathroom fixtures.

Where the door swings out, a clear space is provided within the bathroom for a person using a wheelchair or other mobility aid to position the wheelchair such that the person is allowed use of the fixtures. There is a clear space to allow persons using wheelchairs to reopen the door to exit.

When both tub and shower fixtures are provided in the bathroom, at least one fixture is made accessible. When two or more lavatories are provided in a bathroom, at least one is made accessible.

Toilets are located within bathrooms in a manner that permits a grab bar to be installed on one side of the fixture. In locations where toilets are adjacent to walls or bathtubs, the centerline of the fixture is a minimum of 1'6" from the obstacle. The nongrab bar side of the toilet fixture is a minimum of 1'3" from the finished surface of the adjoining walls, vanities, or the edge of a lavatory.

Vanities and lavatories are installed with the center line of the fixture a minimum of 1'3" horizontally from an adjoining wall or fixture. The top of the fixture rim is a maximum height of 2'10" above the finished floor. If knee space is provided below the vanity, the bottom of the apron is at least 2'3" above the floor. If provided, full knee space (for front approach) is at least 1'5" deep.

Bathtubs and tub/showers located in the bathroom provide a clear access aisle adjacent to the lavatory that is at least 2'6" wide and extends for a length of 4'0" measured from the head of the bathtub.

Stall showers in the bathroom may be of any size or configuration. A minimum clear floor space 2'6" wide × 4'0" deep should be available outside the stall. If the shower stall is the only bathing facility provided in the covered dwelling unit, or on the accessible level of a covered multistory unit, and measures a nominal 36" × 36", the shower stall has reinforcing to allow for installation of an optional wall-hung bench seat.

d. Walls in bathrooms that are to be adaptable will be reinforced to allow later installation of grab bars around toilet, tub, shower stall and shower seat where provided.

Where the toilet is not placed adjacent to a side wall, provision shall be made for floor-mounted foldaway or similar alternative grab bars. Where the powder room is the only toilet facility located on an accessible level of a multistory dwelling unit, it must comply with this requirement for reinforced walls for grab bars.

NOTE: A tub may have shelves or benches at either end, or a tub may be installed without surrounding walls, if there is provision for alternative mounting of grab bars. For example, a sunken tub placed away from walls could have reinforced areas for installation of floor-mounted grab bars. The same principle applies to shower stalls, e.g., glass-walled stalls could be planned to allow floor-mounted grab bars to be installed later.

Reinforcement for grab bars may be provided in a variety of ways (for example, by plywood or wood blocking) so long as the necessary reinforcement is placed so as to permit later installation of appropriate grab bars.

e. Public and common use areas shall be readily accessible to and usable by persons with disabilities.

f. Light switches, electrical outlets, thermostats and other environmental controls shall be located no higher than 48", and no lower than 15", above the floor. If the reach is over an obstruction between 20" and 25" in depth, the maximum height is reduced to 44" for forward approach; or 46" for side approach, provided the obstruction is no more than 24" in depth. Obstructions should not extend more than 25" from the wall beneath a control. (See ADAAG Figure 5.)

NOTE: Controls or outlets that do not satisfy these specifications are acceptable provided that comparable controls or outlets (i.e., that perform the same functions) are provided within the same area and are accessible.

301.19(2) Elevators. An elevator meeting the requirements established for accessible elevators in Section 4.10 of the ADAAG is required in any apartment building of four or more stories.

NOTE: Elevators are not necessary in apartment buildings of three or fewer stories; however, the Uniform Federal Accessibility Standards, or any other applicable standard, may require the installation of an elevator. If an elevator is not required to be installed by this rule, then the elevator is not subject to the requirements of Section 4.10 of the ADAAG.

301.19(3) Any covered units within a multiple unit dwelling which comply with a code or standard which has been certified as a safe harbor for compliance with the accessibility requirements of the federal Fair Housing Act by the U.S. Department of Housing and Urban Development are in compliance with these rules unless the covered units are required to comply with the Uniform Federal Accessibility Standards or any other applicable requirements which may be more restrictive than the provisions of this rule.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.20 to 301.22 Reserved.

PART 3
REQUIREMENTS FOR ENERGY CONSERVATION IN CONSTRUCTION

481—301.23(103A) Scope and applicability of energy conservation requirements.

301.23(1) *Scope.* Part 3 establishes thermal energy efficiency standards for the design of new buildings and structures or portions thereof, additions to existing buildings, and renovation and remodeling of existing buildings, except for residential buildings of one or two dwelling units, that are intended for human occupancy and that are heated or cooled by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating systems and equipment for the efficient use of energy, and lighting efficiency standards for buildings intended for human occupancy that are lighted.

301.23(2) *Applicability.* Part 3 applies to design and construction of buildings that are intended for human occupancy throughout the state of Iowa. Any construction of buildings or facilities that are intended for human occupancy and that are heated or cooled is covered, with the exception of renovation and remodeling of residential buildings of one or two dwelling units, which are not covered. Rule 481—301.24(103A) establishes standards for design and construction of residential buildings of three or fewer stories. Rule 481—301.25(103A) establishes standards for design and construction of commercial buildings and residential buildings of four or more stories. The occupancy of any building covered by this chapter shall be determined based upon the occupancy definitions in chapter 3 of the International Building Code, as adopted in rule 481—301.3(103A).

301.23(3) *Review by architect or engineer.* Plan review shall meet the following criteria:

a. The plans and specifications for all buildings to be constructed that exceed a total volume of 100,000 cubic feet of enclosed space that is heated or cooled are reviewed by a registered architect or licensed professional engineer for compliance with applicable energy efficiency standards. Buildings with less than 100,000 cubic feet can be reviewed by the owner or designated representative.

b. A statement that a review has been accomplished and that the design complies with the energy efficiency standards is signed and sealed by the responsible registered architect or licensed professional engineer. This statement is filed with the commissioner or a local building official on a form approved by the commissioner prior to construction or before obtaining any local permits. The statement is filed with the commissioner for any project that is subject to plan review by the building code bureau.

c. If the plans and specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure that has been previously approved do not require a review because of these changes, provided the basic structure remains unchanged and no additional energy is necessary for heating, cooling or lighting.

d. Prior to the completion of construction, no changes are made to any approved plan or specifications that increase the amount of energy used for heating, cooling, or lighting unless the changes are approved by the responsible registered architect or licensed professional engineer in writing and notice has been filed with the commissioner or a local building official. The commissioner or a local building official is notified of any change that is anticipated to decrease the amount of energy used. The commissioner is notified pursuant to this paragraph for any project that is subject to plan review by the bureau.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.24(103A) Residential energy code. The International Energy Conservation Code – Residential Provisions, 2012 edition, published by the International Code Council, located at www.iccsafe.org, is adopted by reference as the residential energy code of the state of Iowa building code, applicable to residential construction limited to three or fewer stories throughout the state of Iowa, with the following amendments:

301.24(1) Delete section R101.1.

301.24(2) Delete section R101.2 and insert in lieu thereof the following new section:

R101.2 Scope. This code applies to residential buildings and the building sites and associated systems and equipment as defined pursuant to 481—subrule 301.23(2). The remodeling or renovation of one- and two-family dwelling units is not within the scope of this code.

301.24(3) Delete section R103.3.1.

301.24(4) Delete section R103.3.2.

301.24(5) Delete section R103.3.3.

301.24(6) Delete section R104.1 and insert in lieu thereof the following new section:

R104.1 General. Construction or other work that is required to be inspected by state law or local ordinance shall be in accordance with sections R104.2 through R104.8. The commissioner has authority to perform audits to ensure compliance with this code. When local governments conduct compliance audits, the information may be provided to the Department of Energy or to the commissioner in a timely way. Local governments may contract with the commissioner to conduct audits.

301.24(7) Delete sections R108 and R109 and all sections contained therein.

301.24(8) Delete section R402.1.1 and insert in lieu thereof the following new section:

R402.1.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table R402.1.1 based on the climate zone specified in chapter 3.

Table R402.1.1

Table R402.1.1 Insulation and Fenestration Requirements by Component^a

Climate Zone	Fenestration U-Factor ^b	Skylight U-Factor ^b	Glazed Fenestration SHGC ^{b,c}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value ^d	Floor R-Value	Basement Wall R-Value ^e	Slab R-Value & Depth ^f	Crawl Space ^e Wall R-Value
1	NR	.75	.25	30	13	3/4	13	0	0	0
2	.40	.65	.25	38	13	4/6	13	0	0	0
3	.35	.55	.25	38	20 or 13+5 ^b	8/13	19	5/13 ^f	0	5/13
4	.35	.55	.40	49	20 or 13+5 ^b	8/13	19	10/13	10, 2ft	10/13
5	.32	.55	NR	49	20 or 13+5 ^b	13/17	30 ^g	15/19	10, 2ft	15/19
6	.32	.55	NR	49	20 or 13+5 ^b	15/20	30 ^g	15/19	10, 4ft	15/19
7 & 8	.32	.55	NR	49	20+5 or 13+10 ^b	19/21	38 ^g	15/19	10, 4ft	15/19

^a R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

^b The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed .30.

^c “15/19” means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. “15/19” shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of

the home. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

^d R-5 shall be added to the slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.

^e There are no SHGC requirements in the Marine Zone.

^f Basement wall insulation is not necessary in warm-humid locations as defined by Figure R301.1 and Table R301.1.

^g Or insulation sufficient to fill the framing cavity, R-19 minimum.

^h First value is cavity insulation; second value is continuous insulation or insulated siding. Therefore, “13+5” means R-13 cavity insulation plus R-5 continuous insulation or insulated siding. If structural sheathing covers 40 percent or less of the exterior, continuous insulation R-value shall be permitted to be reduced by no more than R-3 in the locations where structural sheathing is used – to maintain a consistent total sheathing thickness.

ⁱ The second R-value applies when more than half the insulation is on the interior of the mass wall.

301.24(9) Delete section R402.4.1.2 and insert in lieu thereof the following new section:

R402.4.1.2 Testing shall meet the following requirements: The building or dwelling unit is tested and verified as having an air leakage rate not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 4 air changes per hour in Climate Zones 3 through 8. Testing is conducted with a blower door at a pressure of 0.2 inches w.g. (50 pascals). Where required by the code official, testing is conducted by an approved third party and a written report of the results is signed by the party conducting the test and provided to the code official. Testing is performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors are closed, but not sealed beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers are closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, are open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators are closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, are turned off; and
6. Supply and return registers, if installed at the time of the test, are fully open.

301.24(10) Delete section R403.2.2 and insert in lieu thereof the following new section:

R403.2.2 Sealing is mandatory and shall meet the following requirements: Ducts, air handlers, and filter boxes are sealed. Joints and seams comply with either the International Mechanical Code or International Residential Code, as applicable.

Exceptions:

1. Air-impermeable spray foam products may be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets are equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches of water column (500 Pa) pressure classification do not require additional closure systems.

Duct tightness is verified by either of the following:

1. Postconstruction test: Leakage to outdoors is less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area or total leakage is less than or equal to 6 cfm (170 L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer’s air handler enclosure. All register boots are taped or otherwise sealed during the test.

2. Rough-in test: Total leakage is less than or equal to 6 cfm (170 L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer’s air handler enclosure. All registers are taped or otherwise sealed during the

test. If the air handler is not installed at the time of the test, total leakage is less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

Testing is conducted by an approved third party and a written report of the results is signed by the party conducting the test and provided to the code official.

Exception: The duct leakage test is not needed for ducts and air handlers located entirely within the building thermal envelope unless cavities are used for returns.

301.24(11) Delete section R403.2.3 and insert in lieu thereof the following new section:

R403.2.3 Building cavities (mandatory). Building framing cavities cannot be used as supply ducts. Building framing cavities may be used as return ducts if both of the following conditions exist:

1. Ducts must be tested for duct leakage in accordance with section R403.2.2.
2. Exterior wall cavities cannot be used for return ducts.

301.24(12) Delete the first clause of the Standard Reference Design for Building Component “Air exchange rate” in Table R405.5.2(1) and insert in lieu thereof the following new clause: “Air leakage of 5 air changes per hour in Climate Zones 1 and 2, and 4 air changes per hour in Climate Zones 3 through 8 at a pressure of 0.2 inches w.g. (50 Pa).”

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25; ARC 0412D, IAB 7/8/26, effective 8/12/26]

481—301.25(103A) Adoption of nonresidential energy code. The International Energy Conservation Code – Commercial Provisions, 2012 edition, published by the International Code Council, located at www.iccsafe.org, is hereby adopted by reference as the nonresidential energy code of the state building code, applicable to commercial construction or residential construction of four or more stories within the state of Iowa, with the following amendments:

301.25(1) Delete section C101.1.

301.25(2) Delete section C101.2 and insert in lieu thereof the following new section:

C101.2 Scope. This code applies to commercial buildings and the buildings’ sites and associated systems and equipment as defined pursuant to 481—subrule 301.23(2).

301.25(3) Delete section C103.3.1.

301.25(4) Delete section C104.1 and insert in lieu thereof the following new section:

C104.1 General. Construction or other work that is to be inspected by state law or local ordinance shall be in accordance with sections C104.2 through C104.8.

301.25(5) Delete sections C108 and C109 and all sections contained therein.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.26 and 301.27 Reserved.

PART 4

LIFE CYCLE COST ANALYSIS OF PUBLIC FACILITIES

481—301.28(470) Life cycle cost analysis.

301.28(1) *Submission.* Any public agency as defined by Iowa Code section 470.1 will prepare a life cycle cost analysis in compliance with Iowa Code chapter 470 and submit the analysis to the commissioner before construction commences.

301.28(2) *Notification by state agency.* Any public agency that is a state agency as defined in Iowa Code section 7D.34 will, within 60 days of final selection of a design architect or engineer, notify the commissioner and the Iowa energy office in the economic development authority of the methodology to be used to perform the life cycle cost analysis. Notice will be given on the forms provided by the Iowa office of energy for this purpose. A life cycle cost analysis prepared by a state agency will be submitted in sufficient time ahead of the release of plans for bids to allow for revisions or additions that may be made to the plans. Public funds will not be used for the construction or renovation of a facility unless the design for the work is prepared in accordance with Iowa Code chapter 470 and the actual construction or renovation is consistent with the design.

301.28(3) Exemptions from implementation.

a. A public agency responsible for construction or renovation of a public facility may apply to the commissioner for exemption from any recommendation of the life cycle cost analysis.

b. The public agency will implement all recommendations of the life cycle cost analysis except those that have been approved for exemption by the commissioner and the director of the office of energy independence.

EXCEPTION: The public agency is not required to implement any recommendation that would result in a violation of any other provision of law. If the public agency determines that compliance with any recommendation of the life cycle cost analysis would result in a violation of law, the public agency will so notify the commissioner.

c. The commissioner and the director of the economic development authority will evaluate each request for an exemption on a case-by-case basis, considering the following factors:

- (1) The purpose of the facility or renovation;
- (2) Preservation of historic architectural features;
- (3) Site considerations;
- (4) Health and safety concerns;
- (5) Compliance with any other provisions of law; and

(6) The technical feasibility of implementing the recommendation. “Technical feasibility” means that a recommendation may be implemented without altering major structural features of an existing facility.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.29 Reserved.

PART 5
SUSTAINABLE DESIGN STANDARDS

481—301.30(103A) Scope and purpose.

301.30(1) Scope. The standards established in Part 5 apply to building construction projects in Iowa and are based upon state or federal statutory requirements; administrative rules adopted by state agencies that own, manage, regulate, or finance building construction projects; or federal regulations.

301.30(2) Purpose. The purpose of the standards in Part 5 is to promote sustainable design in building construction, which is defined as construction that meets current needs while not compromising the needs of future generations. Sustainable design standards are intended to minimize the adverse environmental impacts of construction and the built environment.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.31(103A) Definitions. The following definitions apply to Part 5:

“*Commercial*” means a building construction project that is not residential.

“*Residential*” means a building construction project that involves a building or buildings, each of which is a detached one- or two-family dwelling or which consists of townhouses not more than three stories above grade in height with a separate means of egress to the exterior of the building for each dwelling unit and consisting entirely of dwelling units and their accessory structures.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.32(103A) Submission of projects.

301.32(1) Approval of building code commissioner. Approval of a construction project as sustainably designed pursuant to these rules may be granted only by the commissioner. All requests for approval of a project as sustainably designed must be submitted to the bureau at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321.

301.32(2) Building code approval. No building construction project will be approved as a sustainably designed project pursuant to these rules unless construction plans for the project have been approved by

the commissioner as meeting the state building code or by a local building department as meeting the applicable local building code.

301.32(3) *Projects subject to state building code.* If approval as a sustainably designed project is requested for a project that is otherwise subject to the state building code, approval may be requested by including a statement in the materials submitted pursuant to 481—Chapter 300 that approval for the project as sustainably designed is being requested.

301.32(4) *Projects subject to local building codes.* If approval from the commissioner is sought for a project that is subject to a local building code and code enforcement, approval may be sought by submitting construction plans to the bureau as provided in 481—Chapter 300, with a cover letter stating that approval of the project as a sustainably designed project is being requested and that the project has been submitted for review to the local building department. The commissioner will not issue approval of the project as a sustainably designed project until evidence of approval of the construction plans by the local building department are submitted to the bureau.

301.32(5) *Projects not otherwise subject to state or local building codes.* If approval as a sustainably designed project is sought for a building construction project that is otherwise not subject to the state building code or a local building code, approval may be sought by submitting construction plans for the project to the bureau as provided in 481—Chapter 300, with a cover letter stating that approval as a sustainably designed project is being requested and that the project is not subject to a local building code enforced by a local jurisdiction. The project will be subject to the state building code and to procedures and fees for review of construction plans and inspections as provided in 481—Chapter 300.

301.32(6) *Application form.* A completed application form prescribed by the commissioner shall be included with the submission of the construction plans for review of any project for which approval as a sustainably designed project is requested.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.33(103A) Sustainable design criteria for residential projects. A residential building construction project will be approved as sustainably designed if it meets any of the following requirements:

301.33(1) Satisfaction of all of the mandatory criteria of the economic development authority's Iowa green streets criteria; or

301.33(2) Compliance with ICC 700 National Green Building Standard®, (ICC 700-2008 NGBS) published by the International Code Council, at the bronze level; or

301.33(3) Certification from the United States Green Building Council at the certified level or better in the Leadership in Energy and Environmental Design (LEED) green building rating system for residential projects; or

301.33(4) Satisfaction of any alternative set of criteria submitted in advance to and approved by the commissioner as equivalent to the requirements of 481—subrules 300.33(1) through 300.33(3).

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.34(103A) Sustainable design criteria for commercial projects. A commercial building construction project will be approved as sustainably designed if it meets the following applicable requirements:

301.34(1) If approval as a sustainably designed project is being sought in order to qualify for a tax credit or tax refund, the project will be approved as sustainably designed if the building receives certification from the United States Green Building Council at the Certified level or better in the Leadership in Energy and Environmental Design (LEED) green building rating system and if the building complies with the requirements of ASHRAE 90.1 2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).

301.34(2) If the project includes only the following commercial structures, satisfaction of all of the mandatory criteria of the Iowa green streets criteria:

- a. Day care centers.
- b. Vocational rehabilitation centers.

- c. Community centers.
- d. Senior centers.

EXCEPTION: Application may be made to the commissioner to accept satisfaction of all of the mandatory criteria of the Iowa green streets criteria as the basis for approval of other commercial projects as sustainably designed. Such submission should be limited to smaller commercial projects, and approval as a sustainably designed project is at the discretion of the commissioner, who will award such approval only if the commissioner is convinced that the Iowa green streets criteria are applicable to the project. Written approval for use of the Iowa green streets criteria pursuant to this exception shall be sought and obtained prior to submission of an application for approval as a sustainably designed project.

301.34(3) If a project involves the construction of a building or a portion of a building intended to host a data center or operations of a web portal business, it will be approved as sustainably designed if the project receives certification at the certified level from the United States Green Building Council in the LEED green building rating system and complies with the requirements of ASHRAE 90.1 2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the ASHRAE.

301.34(4) Satisfaction of any alternative set of criteria submitted in advance to and approved by the commissioner as equivalent to the requirements set forth in subrule 301.34(1).

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.35(103A) Fees.

301.35(1) *Projects subject to the state building code.* For any project for which approval as a sustainably designed project is requested from the commissioner and which is otherwise subject to the state building code, the additional fee for review for compliance with sustainable design standards is \$100, due prior to review of the application.

301.35(2) *Projects subject to local building codes and code enforcement.* For any project approved by a local building department as compliant with the local building code and for which approval as a sustainably designed project is requested, a fee of \$250 is due prior to the commissioner's review of the application for approval as a sustainably designed project.

301.35(3) *Projects not otherwise subject to a building code.* For any project for which approval as a sustainably designed project is requested and which is not otherwise subject to a building code, the plan review fee is the same as the plan review fee for the project established in 481—subrule 300.4(2). An additional fee of \$100 for review for compliance with the requirements set forth in Part 5 applies and is due prior to review of the plan.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.36 Reserved.

PART 6 WEATHER SAFE ROOMS

481—301.37(103A) Scope. The standards adopted in Part 6 apply to the design and construction of weather safe rooms. This chapter does not require the construction of a weather safe room or rooms for any construction project but does establish standards for design and construction of weather safe rooms when their construction is necessary under another provision of law or is incorporated voluntarily in a construction project.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.38(103A) Definition. The following definition applies to Part 6:

“*Weather safe room*” means a building, structure, or portion of a building or structure designated for use during a severe windstorm event.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.39(103A) Standards. Any weather safe room shall be designed and constructed in compliance with the provisions of ICC 500-2014, ICC/NSSA Standard for the Design and Construction of Storm Shelters, published by the International Code Council, located at www.iccsafe.org. Any provision that would apply to a hurricane safe structure but not to a tornado safe structure does not apply. For any provision for which a distinction is made between a tornado safe structure and a hurricane safe structure, the requirement for a tornado safe structure applies.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.40 Reserved.

PART 7
STATE HISTORIC BUILDING CODE

481—301.41(103A) Scope and definition. Part 7 applies to historic buildings and is an alternative to the state building code or local building codes for the buildings to which it applies.

“Historic building” means any building or structure that is listed in the state or National Register of Historic Places, that is designated as a historic property under local or state designation law or survey, that is certified as a contributing resource within a National Register-listed or locally designated historic district, or that has an opinion or certification that the property is eligible to be listed on the state or National Register of Historic Places either individually or as a contributing building to a historic district by the state historic preservation officer pursuant to Iowa Code section 103A.42 or the Keeper of the National Register of Historic Places.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

481—301.42(103A) Adoption. The provisions of the International Existing Building Code, 2024 edition, published by the International Code Council, located at www.iccsafe.org, are adopted as the alternative requirements for rehabilitation, preservation, restoration, repair, alteration, change of occupancy and relocation of and addition to historic buildings, with the following amendments:

301.42(1) Delete the definition of “historic building”.

301.42(2) Delete section 101.1.

301.42(3) Delete section 101.4.2 and insert in lieu thereof the following new section: 101.4.2 Buildings previously occupied. The legal occupancy of any structure existing on the date of adoption of this code is permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the commissioner for the general safety and welfare of the occupants and the public.

301.42(4) Delete sections 101.5 and 101.6.

301.42(5) Delete sections 103, 104, and 105.

301.42(6) Delete sections 106.1, 106.3, 106.4, 106.5, and 106.6.

301.42(7) Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117.

301.42(8) Delete section 306.

301.42(9) Delete appendix B and insert in lieu thereof:

“Any building or facility subject to Part 7 shall comply with the provisions of 481—Chapter 301, Part 2.”

301.42(10) Delete all references to the “International Fuel Gas Code” and insert in lieu thereof “rule 481—301.9(103A)”.

301.42(11) Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code”.

301.42(12) Delete all references to the “International Mechanical Code” and insert in lieu thereof “state mechanical code”.

301.42(13) Delete all references to the “International Building Code” and insert in lieu thereof “rule 481—301.3(103A)”.

301.42(14) Delete all references to the “International Residential Code” and insert in lieu thereof “rule 481—301.8(103A)”.

301.42(15) Delete all references to the “International Fire Code” and insert in lieu thereof “state fire code”.

NOTE 1: International Existing Building Code, as adopted by rule 481—301.7(103A), Resource A, provides guidelines for evaluating fire ratings of archaic materials and assemblies that may be used by designers and code officials when evaluating compliance with provisions of this chapter.

NOTE 2: Except for elevators excluded from the jurisdiction of the department by the provisions of Iowa Code section 89A.2, each elevator is to comply with any applicable requirements established by the department and is subject to enforcement of any applicable regulation.

NOTE 3: Except for boilers and pressure vessels excluded from the jurisdiction of the department by the provisions of Iowa Code section 89.4, each boiler or pressure vessel is to comply with any applicable requirements established by the department and is subject to enforcement of any applicable regulations.

Any boiler that is subject to requirements established by the department of natural resources is to comply with any such requirements and is subject to enforcement of any applicable regulations by the department of natural resources.

[ARC 9474C, IAB 8/6/25, effective 9/10/25; Editorial change: IAC Supplement 11/26/25]

These rules are intended to implement Iowa Code chapters 103A, 104A, and 470.

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¹ January 1, 2010, effective date of the portions of 661—301.8(103A) pertaining to Sections R313.1 and R313.2 delayed until the adjournment of the 2010 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held December 8, 2009.

CHAPTER 366

WAIVERS FROM ADMINISTRATIVE RULES BY THE ELEVATOR SAFETY BOARD

[Prior to 7/9/25, see Labor Services Division[875] Ch 66]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 367

CONTESTED CASES BEFORE THE ELEVATOR SAFETY BOARD

[Prior to 7/9/25, see Labor Services Division[875] Ch 69]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 368 to 370

Reserved

CHAPTER 381

BOILER AND PRESSURE VESSEL BOARD WAIVERS

[Prior to 7/9/25, see Labor Services Division[875] Ch 81]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 382

CONTESTED CASES BEFORE THE BOILER AND PRESSURE VESSEL BOARD

[Prior to 7/9/25, see Labor Services Division[875] Ch 84]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 383 to 389

Reserved

CHAPTER 427
PLUMBING AND MECHANICAL SYSTEMS BOARD—ADMINISTRATIVE AND REGULATORY
AUTHORITY

[Prior to 4/2/25, see Public Health Department[641] Ch 27]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/19/29

481—427.1(17A,105) Definitions. The definitions set forth in Iowa Code section 105.2 are incorporated herein by reference. For purposes of this chapter, the following definitions also apply:

“*Board office*” means the office of the administrative staff.

“*Disciplinary proceeding*” means any proceeding under the authority of the board pursuant to which licensee discipline may be imposed.

“*License*” means a license to operate as a contractor or work in the plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board.

“*Licensee*” means a person or entity licensed to operate as a contractor or work in the plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board.

[ARC 7993C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 4/2/25]

481—427.2(17A,105) Purpose of board. The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 17A and 105 with regard to the licensing and regulation of plumbers, mechanical professionals, and contractors. The mission of the board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and regulations of the licensure board. Responsibilities include, but are not limited to:

427.2(1) Licensing of qualified applicants to operate as a contractor or work in the plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic disciplines or work as a certified medical gas system installer or work in the specialty license disciplines developed by the board by examination, renewal, endorsement, and reciprocity.

427.2(2) Developing and administering a program of continuing education to ensure the continued competency of individuals licensed by the board.

427.2(3) Imposing discipline on licensees as provided by statute or rule.

[ARC 7993C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 4/2/25]

481—427.3(17A,105) Organization of board and proceedings.

427.3(1) Membership of the board is as provided in Iowa Code section 105.3.

427.3(2) The board will elect a chairperson, vice chairperson, and secretary from its membership at the first meeting after April 30 of each year.

427.3(3) The board will hold at least four meetings annually.

427.3(4) A majority of the members of the board shall constitute a quorum.

427.3(5) Board meetings shall be governed in accordance with Iowa Code chapter 21, and the board’s proceedings will be conducted in accordance with Robert’s Rules of Order, Revised.

427.3(6) The department will furnish the board with the necessary facilities and employees to perform the duties mandated by this chapter but shall be reimbursed for all costs incurred from funds appropriated to the board and subsequent fees from licensing activities.

427.3(7) The board has the authority to:

a. Develop and implement a program of continuing education to ensure the continued competency of individuals licensed by the board.

b. Establish fees.

c. Establish committees of the board, the members of which are appointed by the board chairperson and do not constitute a quorum of the board. The board chairperson appoints committee chairpersons.

- d.* Hold a closed session pursuant to Iowa Code section 21.5.
- e.* Investigate alleged violations of statutes or rules that relate to operation as a contractor; work in the plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic disciplines; work as a certified medical gas system installer; or work in the specialty license disciplines developed by the board upon receipt of a complaint or upon the board's own initiation. The investigation will be based on information or evidence received by the board.
- f.* Initiate and impose licensee discipline.
- g.* Monitor licensees that are limited by a board order.
- h.* Perform any other functions authorized by a provision of law.

[ARC 7993C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 4/2/25]

481—427.4(17A,105) Official communications.

427.4(1) All official communications, including submissions and requests, should be addressed to the Plumbing and Mechanical Systems Board at its current address.

427.4(2) Notice of change of name or address. Each licensee and licensed entity shall notify the board in writing of a change of name or change of current mailing address within 30 days after the occurrence.

[ARC 7993C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 4/2/25]

481—427.5(21) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained through the board's website or directly from the board office.

427.5(1) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. Any additional time allowances will be at the discretion of the chairperson or acting chairperson.

427.5(2) Persons who have not asked to address the board during the public comment period may raise their hands to be recognized by the chairperson. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

427.5(3) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

427.5(4) Cameras and recording devices may be used at open meetings, provided the cameras or recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

[ARC 7993C, IAB 5/15/24, effective 6/19/24; Editorial change: IAC Supplement 4/2/25]

481—427.6(17A) Contested cases. Contested cases are governed by 481—Chapter 506.

[ARC 0405D, IAB 7/8/26, effective 6/30/26]

481—427.7(17A) Decisions.

427.7(1) Final decisions. When a quorum of the board presides over the reception of evidence at a hearing, its decision is a final decision. A majority of the members constitutes a quorum. Final decisions will be served on the parties in accordance with 481—subrule 506.13(2). Final decisions of the board, including consent agreements and consent orders, are public documents pursuant to Iowa Code chapter 22.

427.7(2) Proposed panel decisions.

a. Panel of specialists. When a panel of three specialists presides over the hearing, the panel will issue a proposed decision that will include findings of fact but will not include conclusions of law or any recommendation for or against the discipline for a licensee. A proposed decision of a panel of specialists, together with a transcript of the proceedings and the exhibits presented, will be reviewed by the board within 30 days of the date the proposed decision was issued.

b. Panel of board members. When a panel of three or more board members presides over the hearing, the panel will issue a proposed decision that will include proposed findings of fact, conclusions of law, and the order. A proposed panel decision will be reviewed by the board within 30 days of the date the proposed

panel decision was issued. A proposed panel decision becomes a final decision without further proceedings unless appealed in accordance with paragraph 427.7(2) “c.”

c. Appeal of proposed panel decisions. A proposed panel decision pursuant to paragraph 427.7(2) “a” or “b” may be appealed to the full board by either party by serving on the executive officer, either in person or by certified mail, a notice of appeal within 30 days after service of the proposed decision on the appealing party. The notice of appeal shall specify the party initiating the appeal, the proposed decision or order appealed, the specific findings or conclusions to which exception is taken and any other exceptions to the decision or order, the relief sought, and the grounds for relief.

(1) Following receipt of a notice of appeal, the board will enter an order establishing a schedule for submission of briefs and oral argument. The parties shall serve their briefs on the board and shall furnish an additional copy to each party by first-class mail. Briefs will cite any applicable legal authority and specify relevant portions of the record in that proceeding.

(2) Oral argument will be heard by the board unless waived by both parties. The time granted each party for oral argument will be established by the board.

(3) The record on appeal will be the entire record made before the hearing panel or administrative law judge.

d. Confidentiality. At no time prior to the release of the final decision by the board shall a proposed decision be made public or distributed to any person other than the parties.

e. Requests to present additional evidence. A party may request the taking of additional evidence after the issuance of a proposed decision only by establishing that:

- (1) The evidence is material; and
- (2) The evidence arose after the completion of the original hearing; or
- (3) Good cause exists for failure to present the evidence at the original hearing; and
- (4) The party has not waived the right to present additional evidence.

A written request to present additional evidence must be filed with the notice of appeal or by a nonappealing party within 14 days of service of the notice of appeal. The board may remand a case to the hearing panel for further hearing or may itself preside at the taking of additional evidence.

[ARC 0405D, IAB 7/8/26, effective 6/30/26]

481—427.8(17A) Client notification. Within 15 days (or such other time period specifically ordered by the board) of the licensee’s receipt of the board’s final decision, whether entered by consent or following hearing, which suspends or revokes a license or accepts a voluntary surrender of a license to resolve a disciplinary case, the licensee shall notify in writing all current clients of the fact that the license has been suspended, revoked or voluntarily surrendered. Such notice shall advise clients to obtain alternative professional services. Within 30 days of receipt of the board’s final order, the licensee shall file with the board copies of the notices sent. Compliance with this requirement is a condition for an application for reinstatement.

[ARC 0405D, IAB 7/8/26, effective 6/30/26]

These rules are intended to implement Iowa Code chapters 17A, 21, and 105.

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[Editorial change: IAC Supplement 4/2/25]

[Filed Emergency ARC 0405D, IAB 7/8/26, effective 6/30/26]

CHAPTER 435

PLUMBING AND MECHANICAL SYSTEMS BOARD—CONTESTED CASES

[Prior to 4/2/25, see Public Health Department[641] Ch 33]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 436 to 460

Reserved

*REAL ESTATE COMMISSION*CHAPTER 2001
ADMINISTRATION

[Prior to 6/15/88, see Real Estate Commission[700] Ch 1]

[Prior to 9/4/02, see 193E—Chs 2, 5, 7, 8]

[Prior to 6/10/26, see Real Estate Commission[193E] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—2001.1(543B) Mission of the commission. The mission of the Iowa real estate commission is to protect the public through the examination, licensing, and regulation of real estate brokers, salespersons, and firms pursuant to Iowa Code chapter 543B, Real Estate Brokers and Salespersons; to administer Iowa Code chapter 543C, Sales of Subdivided Land Outside of Iowa; and to administer Iowa Code chapter 557A, Time-Shares.

The commission is a policymaking body with authority to promulgate rules for the regulation of the real estate industry consistent with all applicable statutes. Administrative support services are furnished by the professional licensing and regulation division of the department of inspections, appeals, and licensing. The commission or duly authorized representative may inspect subdivided land outside of Iowa pursuant to Iowa Code section 543C.4.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.2(543B) Correspondence and communications. Correspondence and communications with the commission should be addressed or directed to the commission office.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.3(543B) Meetings of the commission. Meetings of the commission are held at times scheduled by the commission in the offices of the commission or at a place designated by the commission. Special meetings may be called by the chairperson or executive officer of the commission, who sets the time and place of the meeting.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.4(543B) Custodian of records, filings, and requests for public information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—2001.5(543B) Investigation and subpoena. Commission rules regarding investigations and investigatory subpoenas may be found in 481—Chapter 2018 and in the model rules governing professional licensing division programs at 481—Chapters 500 through 507.

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2001.6(543B) Impaired licensee review committees. Commission rules governing impaired licensee review committees may be found in the model rules governing professional licensing division programs at rule 481—505.5(272C).

[ARC 7763C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code chapters 17A, 252J, 261, 272C and 543B.

[Filed 8/9/02, Notice 6/26/02—published 9/4/02, effective 10/9/02]

[Filed ARC 6040C (Notice ARC 5736C, IAB 6/30/21), IAB 11/17/21, effective 12/22/21]

[Filed ARC 7763C (Notice ARC 7442C, IAB 1/10/24), IAB 4/17/24, effective 5/22/24]

[Editorial change: IAC Supplement 6/10/26]

[Editorial change: IAC Supplement 6/24/26]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

REAL ESTATE APPRAISER EXAMINING BOARD

CHAPTER 2031

ORGANIZATION AND ADMINISTRATION

[Prior to 2/20/02, see 193F—Chapters 2, 9 and 11]

[Prior to 6/10/26, see Real Estate Appraiser Examining Board[193F] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/22/29

481—2031.1(543D) Description.

2031.1(1) The purpose of the real estate appraiser examining board is to administer and enforce the provisions of Iowa Code chapter 543D with regard to the appraisal of real property in the state of Iowa, examination of candidates, issuance of licenses, investigation of alleged violations by licensees, and discipline of those regulated by the board. Through its actions, the board seeks to promote and maintain a high level of public trust in professional appraisal practice.

2031.1(2) The board maintains an office at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321.

2031.1(3) All board action under Iowa Code chapter 543D will be taken under the supervision of the director, as provided in Iowa Code section 543D.23 and these implementing rules.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 1/22/25; Editorial change: IAC Supplement 6/10/26]

481—2031.2(543D) Administrative authority.

2031.2(1) The director is vested with authority to review, approve, modify, or reject all board action pursuant to Iowa Code chapter 543D. The director may exercise all authority conferred upon the board and has to have access to all records and information to which the board has access. In supervising the board, the director will independently evaluate the substantive merits of recommended or proposed board actions which may be anticompetitive.

2031.2(2) In performing its duties and in exercising its authority under Iowa Code chapter 543D, the board may take action without preclearance by the director if the action is ministerial or nondiscretionary. As used in this chapter, the words “ministerial or nondiscretionary” include any action expressly mandated by state or federal law, rule, or regulation; by the AQB; or by the appraisal subcommittee. The board may, for example, grant or deny an application for initial or reciprocal certification as a real estate appraiser, an application for registration as an associate real estate appraiser, or an application for a temporary practice permit by an out-of-state appraiser, on any ground expressly mandated by state or federal law, rule, or regulation; by the AQB; or by the appraisal subcommittee.

2031.2(3) Prior to taking discretionary action under Iowa Code chapter 543D, the board will secure approval of the director if the proposed action is or may be anticompetitive. As used in this chapter, the word “discretionary” includes any action that is authorized but not expressly imposed by state or federal law, rule, or regulation; by the AQB; or by the appraisal subcommittee. Examples of discretionary action include orders in response to petitions for rulemaking, declaratory orders, or waivers from rules, rulemaking, disciplinary proceedings against licensees, administrative proceedings against unlicensed persons, or any action commenced in the district court.

2031.2(4) Determining whether any particular action is or may be anticompetitive is necessarily a fact-based inquiry dependent on a number of factors, including potential impact on the market or restraint of trade. With respect to disciplinary actions, for instance, a proceeding against a single licensee for violating appraisal standards would not have an impact on the broader market and would accordingly not be an anticompetitive action. Commencement of disciplinary proceedings which affect all or a substantial subset of appraisers may have a significant market impact. When in doubt as to whether a proposed discretionary action is or may be anticompetitive, the board may submit the proposed action to the director for preclearance.

2031.2(5) A person aggrieved by any final action of the board taken under Iowa Code chapter 543D may appeal that action to the director within 20 days of the date the board issues the action.

a. The appeal process applies whether the board action at issue was ministerial or nondiscretionary, or discretionary, and whether the proposed action was or was not submitted through a preclearance process before the director.

b. No person aggrieved by a final action of the board may seek judicial review of that action without first appealing the action to the director.

c. Records, filings, and requests for public information. Final board action, regardless of whether such board action is ministerial, nondiscretionary, or discretionary, will be immediately effective when issued by the board but is subject to review or appeal to the director. If a timely review is initiated or a timely appeal is taken, the effectiveness of such final board action will be delayed during the pendency of such review or appeal.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.3(543D) Annual meeting. The annual meeting of the board will be the first meeting scheduled after April 30. At this time, the chairperson and vice chairperson are elected to serve until their successors are elected.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.4(543D) Other meetings. In addition to the annual meeting, and in addition to other meetings, the time and place of which may be fixed by resolution of the board, any meeting may be called by the chairperson of the board or by joint call of a majority of its members.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.5(543D) Executive officer's duties.

2031.5(1) The executive officer is to cause complete records to be kept of applications for examination and registration, certificates and permits granted, and all necessary information in regard thereto.

2031.5(2) The executive officer is to determine when the legal obligations for certification and registration have been satisfied with regard to issuance of certificates or registrations, and the executive officer will submit to the board any questionable application.

2031.5(3) The executive officer will keep accurate minutes of the meetings of the board. The executive officer will keep a list of the names of persons issued certificates as certified general real property appraisers, certified residential real property appraisers and associate real property appraisers.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.6(543D) Records, filings, and requests for public information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—2031.7(543D) Adoption, amendment or repeal of administrative rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

481—2031.8(543D) Types of appraiser classifications. There are four types of appraiser classifications:

1. Associate residential real property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2034.

2. Associate general property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2034.

3. Certified residential real property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2035.

4. Certified general real property appraiser. This classification consists of those persons who meet the obligations of 481—Chapter 2035.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.9(543D) Qualified state appraiser certifying agency.

2031.9(1) The real estate appraiser examining board is a state appraiser certifying agency in compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). As a result, persons who are issued certificates by the board to practice as certified real estate appraisers are authorized under federal law to perform appraisal services for federally related transactions and are identified as such in the National Registry maintained by the Appraisal Subcommittee (ASC).

2031.9(2) The board will adhere to the criteria established by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation when registering associate appraisers or certifying certified appraisers under Iowa Code chapter 543D. To the extent that the rules conflict with the minimum obligations outlined in the current version of the AQB criteria, the minimum standards established in the criteria will apply and these rules will give way to the minimum obligations to comply with federal rule, law, or policy.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; Editorial change: IAC Supplement 6/10/26]

481—2031.10(543D) AQB criteria.

2031.10(1) No person may be certified as a certified appraiser unless the person is eligible under the January 1, 2026, AQB criteria.

2031.10(2) The January 1, 2026, AQB criteria outline the conditions under which applicants for certification are eligible to take the mandated examinations.

[ARC 7837C, IAB 4/17/24, effective 5/22/24; ARC 0078D, IAB 2/18/26, effective 3/25/26; Editorial change: IAC Supplement 6/10/26]

These rules are intended to implement Iowa Code sections 543D.4, 543D.5, 543D.7, 543D.17, 543D.20 and 543D.22 and chapter 272C.

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[Editorial change: IAC Supplement 6/24/26]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

EMPLOYMENT APPEAL BOARD[486]

[Created by 1986 Iowa Acts, chapter 1245, section 515,
under the “umbrella” of the Department of Inspections and Appeals]

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CHAPTER 8
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

486—8.1(17A,22) Definitions. As used in this chapter:

“*Agency.*” In lieu of the words “(official or body issuing these rules)”, insert “employment appeal board”.

“*Custodian.*” Delete “the agency” and insert “an agency”. Insert “The originating agency, if any, is the custodian of records which are used to carry out functions of the originating agency.”

“*Originating agency*” means the government agency which has authority over and custody of records and for whom the board is performing a service.

486—8.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

486—8.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

486—8.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

486—8.10(22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

486—8.11(22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

486—8.12(22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

486—8.13(22) Personally identifiable information. The department maintains systems of records which contain personally identifiable information.

8.13(1) Rule-making records. Rule-making records may contain information about people who make written or oral comments about proposed rules. Iowa Code section 17A.4 requires collection and retention of this information. It cannot be retrieved by an individual identifier. It is not stored in a computer system.

During the rule-writing process, committees are occasionally used to gather basic information. Minutes of committee meetings are available for public inspection. The minutes are retained.

8.13(2) Contested case records. Contested case records are maintained in paper and computer files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the contested case records.

Records are collected by authority of Iowa Code section 10A.601. None of the information stored in a data processing system is compared with information in any other data processing system.

Records of hearings are recorded on magnetic cassette tapes or in written transcripts.

These rules are intended to implement Iowa Code sections 22.7 and 22.11 and Iowa Code chapters 10A, 19A, 80, 88, 89A, 89B, 96 and 97.

[Filed emergency 8/11/88 after Notice 5/4/88—published 9/7/88, effective 8/11/88]

[Editorial change: IAC Supplement 2/21/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHILD ADVOCACY BOARD[489]

[Prior to 3/23/88, see Foster Care Review Board, State[445]; transferred to Inspections and Appeals Department “umbrella” pursuant to 1986 Iowa Acts, chapter 1245, section 549]
[Former Foster Care Review Board[489] renamed Child Advocacy Board[489]
by 2002 Iowa Acts, chapter 1162]

CHAPTER 1

FUNCTIONS AND PROVISIONS OF THE CHILD ADVOCACY BOARD

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1.2(237)	Membership and term
1.3(237)	Leadership
1.4(237)	Foster care registry
1.5(237)	Foster care review
1.6(237)	Children eligible for review
1.7(237)	Court appointed special advocate program
1.8(237)	Program requirements
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1.11(237)	Children eligible for assignment of a court appointed special advocate

CHAPTER 1
FUNCTIONS AND PROVISIONS OF THE CHILD ADVOCACY BOARD
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/1/31

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

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

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

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

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

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

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

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

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

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

489—1.2(237) Membership and term.

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

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

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

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

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

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

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

489—1.3(237) Leadership.

1.3(1) The director ensures adequate leadership, oversight of programs, and ongoing administration of the state board’s activities and of the court appointed special advocate program. The director employs,

discharges, trains, and supervises foster care review and court appointed special advocate program employees.

1.3(2) The department will:

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

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

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

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

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

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

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

489—1.4(237) Foster care registry.

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

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

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

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

1.5(1) *Establishing procedures and protocols.*

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

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

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

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

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

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

This subrule is intended to implement Iowa Code section 237.19.

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

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

This rule is intended to implement Iowa Code section 237.18.

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

489—1.8(237) Program requirements.

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

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

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

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

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

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

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

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

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

1.8(2) Reserved.

This rule is intended to implement Iowa Code section 237.18.

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

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

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

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

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

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

[ARC 0344D, IAB 6/10/26, effective 8/1/26]

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

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[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]¹

[Filed ARC 0344D (Notice ARC 0195D, IAB 4/15/26), IAB 6/10/26, effective 8/1/26]

¹ The effective date of ARC 7698C was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.

RACING AND GAMING COMMISSION[491]

[Prior to 11/19/86, Chs 1 to 10, see Racing Commission[693]; Renamed Racing and Gaming Division [195] under the “umbrella” of Commerce, Department of [181], 11/19/86]

[Prior to 12/17/86, Chs 20 to 25, see Revenue Department[730] Chs 91 to 96]

[Transferred from Commerce Department[181] to the Department of Inspections and Appeals “umbrella”[481] pursuant to 1987 Iowa Acts, chapter 234, section 421]

[Renamed Racing and Gaming Commission[491], 8/23/89; See 1989 Iowa Acts, ch 67 §1(2), and ch 231 §30(1), 31]

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CHAPTERS 15 to 2502

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CHAPTER 2503

DECLARATORY ORDERS—MODIFICATIONS TO UNIFORM RULES

2503.3(17A) Intervention in declaratory order proceedings

CHAPTERS 2504 and 2505

Reserved

CHAPTER 2506

CONTESTED CASES—MODIFICATIONS TO UNIFORM RULES

2506.11(17A) Pleadings in contested cases

CHAPTER 1
ORGANIZATION AND OPERATION
[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]
[Prior to 8/9/00, see also 491—Chs 6, 20 and 21]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

491—1.1(99D,99E,99F) Function. The racing and gaming commission was created by Iowa Code chapter 99D and is charged with the administration of the Iowa pari-mutuel wagering Act and excursion boat gambling Act, sports wagering, and internet fantasy sports contests. Iowa Code chapters 99D, 99E and 99F mandate that the commission shall have full jurisdiction over and shall supervise all race meetings, gambling operations, sports wagering, and internet fantasy sports contests governed by Iowa Code chapters 99D, 99E and 99F.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

491—1.2(99D,99F) Organization, meetings, and procedure.

1.2(1) Organization.

a. The racing and gaming commission is located at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; telephone 515.281.7352. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

b. The racing and gaming commission consists of five members. The membership shall elect a chairperson and vice-chairperson in July of each year. No chairperson shall serve more than four consecutive one-year full terms.

1.2(2) Meetings.

a. The commission meets periodically throughout the year and shall meet in July of each year. Notice of a meeting is published on the commission's website at ircg.iowa.gov/ at least five days in advance of the meeting or will be sent to interested persons upon request. The notice shall contain the specific date, time, and place of the meeting. Agendas are available to any interested persons not less than five days in advance of the meeting.

b. Persons wishing to appear before the commission should submit a written request to the commission office not less than ten working days prior to the meeting. The administrator or commission may place a time limit on presentations after taking into consideration the number of presentations requested.

c. Special or electronic meetings may be called by the chairperson only upon a finding of good cause and shall be held in strict accordance with Iowa Code section 21.4 or 21.8.

1.2(3) Procedure. All meetings shall be open to the public unless a closed session is voted by four members or all members present for the reasons specified in Iowa Code section 21.5. The operation of commission meetings shall be governed by the following rules of procedure:

a. A quorum shall consist of three members.

b. When a quorum is present, a position is carried by an affirmative vote of the majority of the entire membership of the commission.

c. A commissioner, who is present at a meeting of the commission when action is taken, shall be presumed to have assented to the action unless the commissioner's dissent was requested to be entered in the minutes. A roll-call vote on any motion may be recorded in the minutes. Reconsideration of any action may only be initiated by a commissioner who voted with the prevailing side. The motion to reconsider any action may be made and seconded before the conclusion of the meeting when the action was approved, or it may be made in writing and submitted to the commission office within two business days following the meeting. Only the mover has the option to request that the motion be held in abeyance, when the motion to reconsider is offered during the same meeting. Any commissioner is eligible to call up the motion to reconsider at the next meeting of the commission. The official minutes shall record the offering of any motion to reconsider, whether placed during the meeting or by timely written submission.

d. The presiding officer may exclude any person from the meeting for behavior that disrupts or obstructs the meeting.

e. Cases not covered by this rule shall be governed by the most recent edition of Robert's Rules of Order Newly Revised.

[ARC 0734C, IAB 5/15/13, effective 6/19/13; ARC 1506C, IAB 6/25/14, effective 7/30/14; ARC 2927C, IAB 2/1/17, effective 3/8/17; Editorial change: IAC Supplement 3/6/24]

491—1.3(99D,99F) Administration of the commission. The commission shall appoint an administrator for the racing and gaming commission who is responsible for the day-to-day administration of the commission's activities.

491—1.4(17A,22,99D,99F) Open records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—1.5(17A,99D,99F) Forms. All forms utilized in the conduct of business with the racing and gaming commission shall be available from the commission upon request. These forms include but are not limited to:

1.5(1) *Racing, gambling structure, or excursion gambling boat license application.* This form contains at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the facility, and description of proposed operation. The form may include other information the commission deems necessary to make a decision on the license application. The applicant or applicants also pay or remit the following fees:

a. An initial application fee in the amount of \$250,000 to the commission to cover the commission's actual expenses incurred in processing and evaluating the application. Actual expenses may include but are not limited to the cost of appropriate meeting spaces, facilities, and equipment; transportation, lodging, meals, and other travel-related expenses; market feasibility studies the commission conducts; or consultants the commission retains. The commission will bill the applicant or licensee for additional expenses beyond the initial application fee as appropriate and will refund any unused portion of the fee within 90 days after the license is denied or within 90 days after operation begins.

b. An investigative fee of \$50,000 to the department of public safety to complete background investigations. The department of public safety will bill the applicant or licensee for additional fees as appropriate and will refund any unused portion of the investigative fee within 90 days after the license is denied or within 90 days after operation begins.

1.5(2) *Renewal application for racing license.* This form shall contain, at a minimum, the full name of the applicant, racing dates, simulcast proposal, feasibility of racing facility, distribution to qualified sponsoring organizations, table of organization, management agreement, articles of incorporation and bylaws, lease agreements, financial statements, information on the gambling treatment program, and description of racetrack operations. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(3) *Renewal application for excursion gambling boat or gambling structure license.* This form shall contain, at a minimum, the full name of the applicant, annual fee, distribution to qualified sponsoring organizations, table of organization, internal controls, operating agreement, hours of operation, casino operations, Iowa resources, contracts, guarantee bond, notarized certification of truthfulness, and gambling treatment program. The form may include other information the commission deems necessary to make a decision on the license application. An annual fee to operate an excursion gambling boat shall be based on the passenger-carrying capacity including crew. For a gambling structure, the annual license fee shall be based on the capacity of the gambling structure. The fee shall be \$5 per person capacity and accompany this application.

1.5(4) *Renewal application for racetrack enclosure license.* This form shall contain, at a minimum, the full name of the applicant, annual fee, casino operations, internal controls, Iowa resources, guarantee bond, and notarized certification of truthfulness. The form may include other information the commission

deems necessary to make a decision on the license application. A \$1,000 application fee must accompany this license application.

1.5(5) *Occupational license application.* This form shall contain, at a minimum, the applicant's full name, social security number, residence, date of birth, and other personal identifying information that the commission deems necessary. A fee set by the commission shall apply to this application. (Refer to 491—Chapter 6 for additional information.)

1.5(6) *Season approvals.* This form shall contain, at a minimum, a listing of the department heads and racing officials, minimum purse, purse supplements for Iowa-breds, grading system (greyhound racing only), schedule and wagering format, equipment, security plan, certification, and any other information the commission deems necessary for approval. This request must be submitted 45 days prior to the meet. Any changes to the items approved by the commission shall be requested in writing by the licensee and subject to the written approval of the administrator or commission representative before the change occurs.

1.5(7) *Manufacturers and distributors license application.* This form shall contain at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the applicant, and description of proposed operation. The form may include other information the administrator deems necessary to make a decision on the license application. A license fee of \$1,000 for a distributor's license and a license fee of \$250 for a manufacturer's license shall accompany this application. (Refer to 491—Chapter 11 for additional information.)

1.5(8) *Advance deposit wagering license application.* This form shall contain at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the applicant, and description of proposed operation. The form may include other information the administrator deems necessary to make a decision on the license application. A license fee of \$1,000 shall accompany this application. (Refer to 491—Chapter 8 for additional information.)

1.5(9) *Asset/stock purchase form for commission approval.* This form shall contain at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the applicant, and description of proposed operation. The form may include other information the administrator deems necessary to make a decision.

1.5(10) *Sports wagering for excursion gambling boat, gambling structure or racetrack enclosure application.* This form shall contain, at a minimum, the full name of the applicant, disclosure of agreements involving sports wagering, a guarantee bond in an amount as determined by the commission, and a notarized certification of truthfulness. The applicant shall pay a nonrefundable application fee in the amount of \$45,000 to the commission.

1.5(11) *Renewal application for sports wagering for excursion gambling boat, gambling structure or racetrack enclosure.* This form shall contain, at a minimum, the full name of the applicant, a \$10,000 annual fee, disclosure of agreements involving sports wagering, sports wagering operations, internal controls, a guarantee bond in an amount as determined by the commission, a gambling treatment program, and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(12) *Advance deposit sports wagering operator application.* This form shall contain, at a minimum, the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, agreement with licensed facility or description of proposed operation, a gambling treatment program, and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(13) *Internet fantasy sports contest application.* This form shall contain, at a minimum, the full name of the applicant, board members, all ownership interests, balance sheets and profit-and-loss statements for the fiscal year immediately preceding the application, pending legal action, proof of satisfactory segregation of internet fantasy sports contest player contest funds as determined by the

commission, a description of the proposed operation and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(14) *Alternative simulcast license application.* This form shall contain, at a minimum, the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, agreement with licensed facility or description of proposed operation, and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

[ARC 1506C, IAB 6/25/14, effective 7/30/14; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6894C, IAB 2/22/23, effective 3/29/23; ARC 0184D, IAB 4/1/26, effective 5/6/26]

491—1.6(99D,99F) Limitation on location and number of racetracks and excursion gambling boats. Rescinded IAB 9/29/04, effective 11/3/04.

491—1.7(99D,99F) Criteria for granting licenses, renewing licenses, and determining race dates. The commission sets forth the following criteria which the commission will consider when deciding whether to issue a license to conduct racing or gaming or sports wagering in Iowa. The various criteria may not have the same importance in each instance, and other factors may present themselves in the consideration of an application for a license. The criteria are not listed in order of priority. After the initial consideration for issuing a license, applicable criteria need only be considered when an applicant has demonstrated a deficiency.

1.7(1) *Compliance.* The commission will consider whether or not the applicant is and has been in compliance with the terms and conditions specified in Iowa Code section 99D.9 or 99F.4. The commission will also consider whether the proposed facility is in compliance with applicable state and local laws regarding fire, health, construction, zoning, and other similar matters.

1.7(2) *Gaming integrity.* The commission will consider whether the proposed operation would ensure that gaming and sports wagering are conducted with a high degree of integrity in Iowa and that the officers, directors, partners, or shareholders of the operation are of good repute and moral character. The commission shall decide what weight and effect evidence about an officer, director, partner, or shareholder should have in the determination of whether there is substantial evidence that the individual is not of good reputation and character. For the purposes of this chapter, the term “directors” shall also include managers of limited liability companies and the term “shareholders” shall also include members of limited liability companies.

1.7(3) *Economic impact and development.* The commission will consider:

a. The amount of revenue to be provided by the proposed facility to the state and local communities through direct taxation on the facility’s operation and indirect revenues from tourism, ancillary businesses, creation of new industry, and taxes on employees and patrons. The commission may engage an independent firm proficient in market feasibility studies in the industry for specific analysis of any application to determine the potential market of any proposed facility as well as the impact on existing licensees.

b. The level of financial and other support the proposed operation will provide to the community in order to improve the quality of life of the residents of the community.

c. The viability and overall net benefit of the proposed operation to the state gaming industry, taking into consideration:

(1) Investment versus projected adjusted gross revenue.

(2) Impact on existing operators’ adjusted gross revenue versus existing operators’ ratio of adjusted gross revenue to investment.

(3) Ratio of equity to total investment and whether the proposed project is adequately and properly financed.

(4) Percent of projected adjusted gross revenue from underserved markets.

(5) Percent of projected adjusted gross revenue from existing Iowa operators.

(6) Stability and reliability of out-of-state market(s).

d. The benefits to Iowa tourism.

- e. The number and quality of employment opportunities for Iowans.
- f. The development and sale of Iowa products.
- g. The number and types of developments and amenities associated with the proposed operation in addition to the gaming floor.

1.7(4) *Efficient and safe operation.* The commission will consider whether the proposed facility is planned in a manner that promotes efficient and safe operation of all aspects of the facility including providing adequate security for employees and patrons. Adequate employment to serve patrons' needs, facility scope and design, parking facilities, access to cashier windows, concessions, and restrooms will be considered.

1.7(5) *Community support.* The commission will consider support for the proposed project within the community in which a proposed facility is to be located.

1.7(6) *Nurture of the racing industry.* The commission will consider whether the proposed racetrack operation would serve to nurture, promote, develop, and improve the racing industry in Iowa and provide high-quality racing in Iowa. The commission will also consider if the proposed racetrack operation will maximize purses and is beneficial to Iowa breeders.

1.7(7) *Other factors.* The commission will consider such other factors as may arise in the circumstances presented by a particular application.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

491—1.8(17A,99D,99F) Granting of a waiver. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 17A.9A and Iowa Code chapters 99D and 99F.

[Filed 5/18/84, Notice 4/11/84—published 6/6/84, effective 7/13/84]

[Filed emergency 10/20/86—published 11/19/86, effective 10/20/86]

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[Filed 7/18/02, Notice 6/12/02—published 8/7/02, effective 9/11/02]

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[Filed ARC 1506C (Notice ARC 1393C, IAB 4/2/14), IAB 6/25/14, effective 7/30/14]

[Filed ARC 2927C (Notice ARC 2801C, IAB 11/9/16), IAB 2/1/17, effective 3/8/17]

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4/8/20, effective 5/13/20]
[Filed ARC 5422C (Notice ARC 5269C, IAB 11/18/20), IAB 2/10/21, effective 3/17/21]
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Supplement 7/8/26, effective 7/1/26]

◊ Two or more ARCs

¹ Effective date of Item 1, subrule 1.6(4), delayed by the Administrative Rules Review Committee at its meeting held September 8, 1998, until the adjournment of the 1999 Session of the General Assembly.

² Effective date of 1.8 delayed 70 days by the Administrative Rules Review Committee at its meeting held March 10, 2000.

CHAPTER 2
RULEMAKING AND DECLARATORY ORDERS

[Prior to 11/19/86, Racing Commission[693]]

[Prior to 11/18/87, Racing and Gaming Division[195]]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

491—3.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)”, insert “racing and gaming commission”.

491—3.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

491—3.14(17A,22) Personally identifiable information. The commission maintains systems of records which contain personally identifiable information.

3.14(1) Board of stewards or gaming board hearings and contested case records. Records are maintained in paper and computer files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the board of stewards or gaming board hearing or contested case records as well as summary lists of enforcement activities.

Records are collected by authority of Iowa Code chapters 99D, 99E and 99F. None of the information stored in a data processing system is compared with information in any other data processing system.

3.14(2) Occupational licensing. Records associated with occupational licensing conducted under Iowa Code chapters 99D, 99E and 99F are maintained by this commission. The licensing system of records includes numerous files and crossfiles which include but are not limited to: computer storage of licensing records and photos, fingerprint cards, and license applications. The records associated with occupational licenses, which contain personally identifiable information, are open for public inspection only upon the approval of the administrator or the administrator’s designee. The information stored in a data processing system is not compared with information in any other data processing system.

3.14(3) List of contested cases and stewards’ hearings. The commission may utilize a listing of contested case and stewards’ hearings furnished by a national organization and provide individually identifiable information to that organization. The list is used for purposes delineated in Iowa Code chapter 99D.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

These rules are intended to implement Iowa Code section 22.11 and chapters 99D and 17A.

[Filed emergency 9/1/88—published 9/21/88, effective 9/1/88]

[Filed 11/4/88, Notice 9/21/88—published 11/30/88, effective 1/4/89]

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[Filed 1/23/96, Notice 12/6/95—published 2/14/96, effective 3/20/96]
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[Filed ARC 4378C (Notice ARC 4107C, IAB 11/7/18), IAB 3/27/19, effective 5/1/19]
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4/8/20, effective 5/13/20]
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[Editorial change: IAC Supplement 3/6/24]
[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

CHAPTER 4
CONTESTED CASES AND OTHER PROCEEDINGS
[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

491—4.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the racing and gaming commission. The chapter shall also apply to gaming boards' and board of stewards' proceedings and gaming representatives' or administrator's designees' actions.

[ARC 7634C, IAB 2/21/24, effective 3/27/24]

491—4.2(17A) Definitions. Except where otherwise specifically defined by law:

"Board of stewards" means a board established by the administrator to review conduct by occupational and pari-mutuel licensees that may constitute violations of the rules and statutes relating to pari-mutuel racing. The administrator may serve as a board of one.

"Commission" means the racing and gaming commission.

"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.

"Gaming board" means a board established by the administrator to review conduct by occupational, excursion gambling boat, gambling structure, sports wagering, fantasy sports contest and gambling game licensees that may constitute violations of the rules and statutes relating to gaming. The administrator may serve as a board of one.

"Gaming representative" means an employee of the commission assigned by the administrator to a licensed pari-mutuel racetrack, excursion gambling boat, or gambling structure to perform the supervisory and regulatory duties of the commission.

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

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

"Presiding officer" means the administrative law judge presiding over a contested case hearing or the commission in cases heard by the commission.

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

"Steward" means a racing official appointed or approved by the commission to perform the supervisory and regulatory duties relating to pari-mutuel racing.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6895C, IAB 2/22/23, effective 3/29/23]

491—4.3(17A) Time requirements.

4.3(1) In computing any period of time prescribed or allowed by these rules or by an applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Legal holidays are prescribed in Iowa Code section 4.1(34).

4.3(2) All documents or papers required to be filed with the commission shall be delivered to any commission office within such time limits as prescribed by law or by rules or orders of the commission. No papers shall be considered filed until actually received by the commission.

4.3(3) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

GAMING REPRESENTATIVE, GAMING BOARD,
AND BOARD OF STEWARDS**491—4.4(99D,99E,99F) Gaming representatives and administrator's designees—licensing and regulatory duties.**

4.4(1) The gaming representative shall make decisions whether to approve applications for occupational licenses, in accordance with the rules and statutes.

a. Each decision denying a license for an occupational license shall be in writing. The decision must contain a brief explanation of the reason for the decision, including a reference to the statute or rule serving as the basis for the decision.

b. Rescinded IAB 2/5/03, effective 3/12/03.

c. Rescinded IAB 9/29/04, effective 11/3/04.

d. Upon the filing of a timely and perfected appeal, the applicant has the right to a contested case proceeding, as set forth supra in these rules.

4.4(2) The gaming representative or the administrator's designee shall monitor, supervise, and regulate the activities of occupational, pari-mutuel racetrack, sports wagering, fantasy sports contest, gambling game, excursion gambling boat, and gambling structure licensees. A gaming representative or the administrator's designee may investigate any questionable conduct by a licensee for any violation of the rules or statutes. A gaming representative or the administrator's designee may refer an investigation to the gaming board upon suspicion that a licensee or nonlicensee has committed a violation of the rules or statutes.

a. A referral to the gaming board shall be in writing. The referral shall make reference to rules or statutory provisions at issue and provide a factual basis supporting the violation.

b. The gaming representative or the administrator's designee making the referral to the gaming board, or a designee of the gaming board, shall appear before the gaming board at the hearing to provide any information requested by the board.

4.4(3) A gaming representative or the administrator's designee shall summarily suspend an occupational license when a licensee has been formally arrested or charged with a crime that would disqualify the licensee, if convicted, from holding a license and the gaming representative or the administrator's designee determines that the licensee poses an immediate danger to the public health, safety, or welfare of the patrons, participants, or animals associated with a facility licensed under Iowa Code chapter 99D, 99E or 99F. Upon proof of resolution of a disqualifying criminal charge or formal arrest, regardless of summary suspension of a license, the gaming representative shall take one of the following courses of action:

a. If the license was summarily suspended and the charges are dismissed or the licensee is acquitted of the charges, the gaming representative shall reinstate the license.

b. If the licensee is convicted of the charges, the gaming representative shall deny the license.

c. If the licensee is convicted of a lesser charge, it is at the discretion of the gaming representative whether to reinstate or deny the license pursuant to 491—Chapter 6.

4.4(4) The gaming representative shall revoke the license of a person reported to the commission as having refused drug testing or as having a confirmed positive drug test result for a controlled substance, for a drug test conducted pursuant to Iowa Code section 730.5 or 99F.4(20).

4.4(5) A gaming representative may eject and exclude any person from the premises of a pari-mutuel racetrack, excursion gambling boat, or gambling structure for any reason justified by the rules or statutes. The gaming representative may provide notice of ejection or exclusion orally or in writing. The gaming representative may define the scope of the exclusion to any degree necessary to protect the integrity of racing and gaming in Iowa. The gaming representative may exclude the person for a certain or an indefinite period of time.

4.4(6) The gaming representative may forbid any person from continuing to engage in an activity the representative feels is detrimental to racing or gaming until resolved.

4.4(7) The gaming representative or the administrator's designee shall have other powers and duties set forth in the statutes and rules, and as assigned by the administrator.

4.4(8) A gaming representative may summarily suspend an occupational licensee in accordance with rule 491—4.47(17A).

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 7634C, IAB 2/21/24, effective 3/27/24]

491—4.5(99D,99E,99F) Gaming board—duties. The gaming board conducts informal hearings whenever the board has reasonable cause to believe that a licensee, an occupational licensee, or other persons have committed an act or engaged in conduct which is in violation of statute or commission rules. The hearings precede a contested case hearing and are investigative in nature. The following procedures will apply:

4.5(1) The gaming board shall consist of three gaming representatives, as assigned by the administrator. The administrator has the discretion to create more than one gaming board, to set terms for gaming board members, to assign alternates, and to make any decisions necessary for the efficient and effective operation of the gaming board. A gaming representative who has made a referral to the gaming board shall not sit on the board that makes a decision on the referral.

4.5(2) The administrator may designate an employee to act as gaming board coordinator. The gaming board coordinator shall have the power to assist and advise the gaming board through all aspects of the gaming board hearing process. The gaming board coordinator may review any referral from gaming representatives prior to setting the matter for hearing before the gaming board. The gaming board coordinator, in consultation with the administrator or the administrator's designee, may return the referral to the initiating gaming representative if the information provided appears insufficient to establish a violation. The gaming board coordinator shall otherwise assist the gaming board in setting the matter for hearing.

4.5(3) The gaming board, upon receipt of a referral, may review the referral prior to the hearing. The gaming board may return a referral to the initiating gaming representative or the administrator's designee on its own motion prior to hearing if the information provided appears insufficient to establish a violation.

4.5(4) Upon finding of reasonable cause, the board shall schedule a hearing to which the license holder shall be summoned for the purpose of investigating suspected or alleged misconduct by the license holder, at which all board members or their appointed representatives shall be present in person or by teleconference. The license holder may request a continuance for good cause in writing not less than 24 hours prior to the hearing except in cases of unanticipated emergencies. The continuance need not necessarily stay any intermediate sanctions.

4.5(5) The notice of hearing given to the license holder shall give adequate notice of the time, place and purpose of the board's hearing and shall specify by number the statutes or rules allegedly violated. If a license holder, after receiving adequate notice of a board meeting, fails to appear as summoned, the license holder will be deemed to have waived any right to appear and present evidence to the board.

4.5(6) The gaming board has complete and total authority to decide all issues concerning the process of the hearing. The gaming board shall recognize witnesses and either question the witnesses or allow them to give a narrative account of the facts relevant to the case. The gaming board has the right to request witnesses or additional documents that have not been submitted by the initiating gaming representative. The licensee has no right to present testimony, cross-examine witnesses, make objections, or present argument, unless specifically authorized by the gaming board.

4.5(7) It is the duty and obligation of every licensee to make full disclosure at a hearing before the board of any knowledge possessed regarding the violation of any rule, regulation or law concerning racing and gaming in Iowa. No person may refuse to testify before the board at any hearing on any relevant matter within the authority of the board, except in the proper exercise of a legal privilege. No person shall falsely testify before the board.

4.5(8) Persons who are not holders of a license or occupational license and who have allegedly violated commission rules or statute, or whose presence at a licensed facility is allegedly undesirable, are subject to the authority of the board and to any penalties, as set forth in rule 491—4.7(99D,99F).

4.5(9) The gaming board has the power to interpret the rules and to decide all questions not specifically covered by them. The board has the power to determine all questions arising with reference to the conduct of gaming and sports wagering and fantasy sports contests and the authority to decide any question or dispute relating to racing, gaming, sports wagering or fantasy sports contests in compliance with rules promulgated by the commission or policies approved for licensees, and persons participating in licensed racing or gaming agree in so doing to recognize and accept that authority. The board may also suspend the license of any license holder when the board has reasonable cause to believe that a violation of law or rule has been committed and that the continued performance of that individual in a licensed capacity would be injurious to the best interests of racing or gaming.

4.5(10) The gaming board shall enter a written decision after each hearing. The decision shall find whether there is a violation of the rules or statutes and, if so, shall briefly set forth the legal and factual basis for the finding. The decision shall also establish a penalty for any violation. The gaming board has the authority to impose any penalty as set forth in these rules.

4.5(11) Rescinded IAB 9/29/04, effective 11/3/04.

4.5(12) Upon the filing of a timely and perfected appeal, the licensee has the right to a contested case proceeding, as set forth supra in these rules.

4.5(13) Informal settlements. A licensee may enter into a written stipulation representing an informed mutual consent with a gaming representative or the administrator's designee. This stipulation must specifically outline the violation and the penalty imposed. Stipulations must be approved by the gaming board. Stipulations are considered final agency action and cannot be appealed.

[ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 7634C, IAB 2/21/24, effective 3/27/24]

491—4.6(99D,99F) Stewards—licensing and regulatory duties.

4.6(1) The stewards shall make decisions whether to approve applications for occupational licenses, in accordance with the rules and statutes.

a. Each decision denying an application for an occupational license shall be in writing. The decision must contain a brief explanation of the reason for the decision, including a reference to the statute or rule serving as the basis for the decision.

b. Rescinded IAB 2/5/03, effective 3/12/03.

c. An applicant for an occupational license may appeal a decision denying the application. An appeal must be made in writing to the office of the stewards or the commission's office in Des Moines. The appeal must be received within 72 hours of service of the decision. The appeal must contain numbered paragraphs and set forth the name of the person seeking review, the decision to be reviewed, separate assignments of error, clear and concise statement of relevant facts, reference to applicable statutes, rules or other authority, prayer setting forth relief sought and signature, name, address, and telephone number of the person seeking review or that person's representative, or shall be on a form prescribed by the commission.

d. Upon the filing of a timely and perfected appeal, the applicant has the right to a contested case proceeding, as set forth supra in these rules.

4.6(2) The stewards shall monitor, supervise, and regulate the activities of occupational and pari-mutuel racetrack licensees. A steward may investigate any questionable conduct by a licensee for any violation of the rules or statutes. Any steward may refer an investigation to the board of stewards upon suspicion that a licensee or nonlicensee has committed a violation of the rules or statutes.

4.6(3) A steward shall summarily suspend an occupational license when a licensee has been formally arrested or charged with a crime that would disqualify the licensee, if convicted, from holding a license and the steward determines that the licensee poses an immediate danger to the public health, safety, or welfare of the patrons, participants, or animals associated with a facility licensed under Iowa Code chapter 99D or 99F. Upon proof of resolution of a disqualifying criminal charge or formal arrest, regardless of summary suspension of a license, the stewards shall take one of the following courses of action:

a. If the license was summarily suspended and the charges are dismissed or the licensee is acquitted of the charges, the stewards shall reinstate the license.

- b.* If the licensee is convicted of the charges, the stewards shall deny the license.
- c.* If the licensee is convicted of a lesser charge, it is at the discretion of the stewards whether to reinstate or deny the license pursuant to 491—Chapter 6.

4.6(4) The stewards may summarily suspend an occupational license in accordance with rule 491—4.47(17A).

4.6(5) Hearings before the board of stewards intended to implement Iowa Code section 99D.7(13) shall be conducted under the following parameters:

a. Upon finding of reasonable cause, the board shall schedule a hearing to which the license holder shall be summoned for the purpose of investigating suspected or alleged misconduct by the license holder. The license holder may request a continuance in writing for good cause not less than 24 hours prior to the hearing except in cases of unanticipated emergencies. The continuance need not necessarily stay any intermediate sanctions.

b. The notice of hearing given to the license holder shall give adequate notice of the time, place and purpose of the board's hearing and shall specify by number the statutes or rules allegedly violated. If a license holder, after receiving adequate notice of a board meeting, fails to appear as summoned, the license holder will be deemed to have waived any right to appear and present evidence to the board.

c. The board has complete and total authority to decide the process of the hearing. The administrator may designate an employee to assist and advise the board of stewards through all aspects of the hearing process. The board shall recognize witnesses and either question the witnesses or allow them to give a narrative account of the facts relevant to the case. The board may request additional documents or witnesses before making a decision. The licensee has no right to present testimony, cross-examine witnesses, make objections, or present argument, unless specifically authorized by the board.

d. It is the duty and obligation of every licensee to make full disclosure at a hearing before the board of any knowledge possessed regarding the violation of any rule, regulation or law concerning racing and gaming in Iowa. No person may refuse to testify before the board at any hearing on any relevant matter within the authority of the board, except in the proper exercise of a legal privilege. No person shall falsely testify before the board.

e. Persons who are not holders of a license or occupational license and who have allegedly violated commission rules or statute, or whose presence at a track is allegedly undesirable, are subject to the authority of the board and to any penalties, as set forth in rule 491—4.7(99D,99F).

f. The board of stewards has the power to interpret the rules and to decide all questions not specifically covered by them. The board of stewards has the power to determine all questions arising with reference to the conduct of racing, and the authority to decide any question or dispute relating to racing in compliance with rules promulgated by the commission or policies approved for licensees, and persons participating in licensed racing or gaming agree in so doing to recognize and accept that authority. The board may also suspend the license of any license holder when the board has reasonable cause to believe that a violation of law or rule has been committed and that the continued performance of that individual in a licensed capacity would be injurious to the best interests of racing or gaming.

g. The board of stewards shall enter a written decision after each hearing. The decision shall state whether there is a violation of the rules or statutes and, if so, shall briefly set forth the legal and factual basis for the finding. The decision shall also establish a penalty for any violation. The board of stewards has the authority to impose any penalty, as set forth in these rules.

h. Rescinded IAB 9/29/04, effective 11/3/04.

i. Upon the filing of a timely and perfected appeal, the licensee has the right to a contested case proceeding, as set forth supra in these rules.

4.6(6) A steward may eject and exclude any person from the premises of a pari-mutuel racetrack, excursion gambling boat, or gambling structure for any reason justified by the rules or statutes. The steward may provide notice of ejection or exclusion orally or in writing. The steward may define the scope of the exclusion to any degree necessary to protect the integrity of racing and gaming in Iowa. The steward may exclude the person for a certain or indefinite period of time.

4.6(7) The stewards shall have other powers and duties set forth in the statutes and rules, and as assigned by the administrator.

4.6(8) Informal settlements. A licensee may enter into a written stipulation representing an informed mutual consent with the stewards. This stipulation must specifically outline the violation and the penalty imposed. Stipulations must be approved by the board of stewards. Stipulations are considered final agency action and cannot be appealed.

[ARC 8029B, IAB 8/12/09, effective 9/16/09]

491—4.7(99D,99E,99F) Penalties (gaming board and board of stewards). All penalties imposed will be promptly reported to the commission and facility or other licensed entity in writing. The board may impose one or more of the following penalties: eject and exclude an individual from a facility; revoke a license; suspend a license for up to five years from the date of the original suspension; place a license on probation; deny a license; impose a fine; or order a redistribution of a racing purse or the payment of or the withholding of a gaming payout. The board of stewards may impose a fine of up to \$1,000, and the gaming board may impose a fine of up to \$3,000. The board may set the dates for which the suspension must be served. The board may also suspend the license of any person currently under suspension or in bad standing in any other state or jurisdiction by a state racing or gaming commission. If the punishment so imposed is not sufficient, in the opinion of the board, the board shall so report to the commission.

4.7(1) Fines shall be paid within ten calendar days of receipt of the ruling, by the end of business hours, at any commission office. Nonpayment or late payment of a fine may result in an immediate license suspension. All fines are to be paid by the individual assessed the fine.

4.7(2) If the fine is appealed to the board, the appeals process will not stay the fine. The fine will be due as defined in subrule 4.7(1).

4.7(3) If the party is successful in the appeal, the amount of the fine will be refunded to the party as soon as possible after the date the decision is rendered.

4.7(4) Refunds due under subrule 4.7(3) will be mailed to the party's current address on record.

4.7(5) When a racing animal or the holder of an occupational license is suspended by the board at one location, the suspension shall immediately become effective at all other facilities under the jurisdiction of the commission.

[ARC 9987B, IAB 2/8/12, effective 3/14/12; ARC 1456C, IAB 5/14/14, effective 6/18/14; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6895C, IAB 2/22/23, effective 3/29/23]

491—4.8(99D,99E,99F) Effect of another jurisdiction's order. The commission or board may take appropriate action against a license holder or other person who has been excluded from a track or gaming establishment in another jurisdiction to exclude that person from any track or gaming establishment under the commission's jurisdiction. Proceedings shall be conducted in the same manner as prescribed by these rules for determining misconduct on Iowa tracks or in gaming establishments and shall be subject to the same appeal procedures.

The commission and stewards shall have discretion to honor rulings from other jurisdictions regarding license suspension or revocation or the eligibility of contestants. Whenever the commission decides to honor an order from another jurisdiction, the commission representatives shall schedule a hearing at which the licensee shall be required to show cause as to why the license should not be suspended or revoked.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

491—4.9(99D,99E,99F) Service of administrative actions. Any administrative action taken against an applicant or occupational licensee shall be served on the applicant or occupational licensee by personal service or by certified mail with return receipt requested to the last-known address on the application.

4.9(1) If the applicant or licensee is represented by legal counsel, a copy of the written decision shall also be provided to legal counsel by regular mail. However, the applicant or licensee must still be served in accordance with this rule.

4.9(2) If the administrative action involves an alleged medication violation that could result in disqualification of a contestant, the stewards shall provide by regular mail notice of the hearing and all subsequent rulings to the owner of the contestant.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

491—4.10(99D,99E,99F) Appeals of administrative actions. A license applicant or an occupational licensee may appeal a denial, suspension or ruling. An appeal must be made in writing to the office of the gaming representative or the commission office in Des Moines. An appeal may also be filed by facsimile, electronic mail, or any other method as determined by the administrator. The appeal must be received within 72 hours of service of the decision and is not considered filed until received by the commission. For any appeal of a decision rendered pursuant to 491—paragraph 10.4(4)“d”(3)“1,” the appeal must be received within 72 hours of any such decision and the standard of review will be abuse of discretion. The appeal must contain numbered paragraphs and set forth the name of the person seeking review; the decision to be reviewed; separate assignments of error; clear and concise statement of relevant facts; reference to applicable statutes, rules or other authority; prayer setting forth relief sought; and signature, name, address, and telephone number of the person seeking review or that person’s representative; or shall be on a form prescribed by the commission. If a licensee is granted a stay of a suspension pursuant to 491—4.45(17A) and the ruling is upheld in a contested case proceeding, the board of stewards may reassign the dates of suspension so that the suspension dates are served in the state of Iowa.

[ARC 0734C, IAB 5/15/13, effective 6/19/13; see Delay note at end of chapter; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

These rules are intended to implement Iowa Code chapters 17A, 99D and 99F.

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◊ Two or more ARCs

¹ June 19, 2013, effective date of 4.10 [Item 10 of ARC 0734C] delayed until the adjournment of the 2014 General Assembly by the Administrative Rules Review Committee at its meeting held June 11, 2013.

STATE PUBLIC DEFENDER[493]

Created within the Department of Inspections and Appeals[481] by Iowa Code section 13B.2

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 0325D**, IAB 6/10/26, effective 5/8/26

CHAPTER 5
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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

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CHAPTER 4 EMPLOYERS

[Prior to 6/9/04, see 581—Ch 21]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

495—4.1(97B) Covered employers.

4.1(1) Definition. All public employers in the state of Iowa, its cities, counties, townships, agencies, political subdivisions, instrumentalities and public schools are required to participate in IPERS. For the purposes of these rules, the following definitions also apply:

a. "Political subdivision" means a geographic area or territorial division of the state which has responsibility for certain governmental functions. Political subdivisions are characterized by public election of officers and taxing powers. The following examples are representative: cities, municipalities, counties, townships, schools and school districts, drainage and levee districts, and utilities.

b. "Instrumentality of the state or a political subdivision" means an independent entity that is organized to carry on some specific function of government. Public instrumentalities are created by some form of governmental body, including federal and state statutes and regulations, and are characterized by being under the control of a governmental body. Such control may include final budgetary authorization, general policy development, appointment of a board by a governmental body, and allocation of funds.

c. "Public agency" means state agencies and agencies of political subdivisions. Representative examples include an executive board, commission, bureau, division, office, or department of the state or a political subdivision.

d. Effective July 1, 1994, the definition of employer includes an area agency on aging that does not offer an alternative plan to all of its employees that is qualified under the federal Internal Revenue Code.

Covered employers include, but are not limited to: the state of Iowa and its administrative agencies; counties, including their hospitals and county homes; cities, including their hospitals, park boards and commissions; recreation commissions; townships; public libraries; cemetery associations; municipal utilities including waterworks, gasworks, electric light and power; school districts including their lunch and activity programs; state colleges and universities; and state hospitals and institutions.

An entity not already reporting to IPERS which meets the conditions for becoming an IPERS-covered employer shall immediately contact IPERS to provide notice which includes the name and address of the entity and other information required by IPERS. If, after review of this information, IPERS determines that the entity should be enrolled as a covered employer, IPERS will notify the entity and provide an IPERS account number for the entity to use when submitting information. IPERS shall not be required to provide benefits otherwise available under Iowa Code chapter 97B for periods of service prior to the effective date for which IPERS actually approves the entity for coverage, unless the employer agrees to pay the full actuarial cost of providing such benefits.

An employer may request a revised beginning date for its status as a covered employer. The employer must submit acceptable proof to IPERS that its status as a covered employer began earlier than the date previously provided. In such case, the employer shall provide IPERS coverage retroactively to all employees providing services to that employer on or after the revised beginning date and shall pay all actuarial costs.

4.1(2) Name change. Any employer which has a change of name, address, title of the employer, its reporting official or any other identifying information shall immediately give notice in writing to IPERS. The notice shall provide IPERS with the following information:

- a.* Former name;
- b.* Former address;
- c.* IPERS account number;
- d.* New name, address, and telephone number of the employer;
- e.* Reason for the change if other than a change of reporting official; and
- f.* Effective date of the change.

4.1(3) Termination. Any employer which terminates or is dissolved for any reason shall provide IPERS with the following:

- a. Complete name and address of the dissolved entity;
- b. Assigned IPERS account number;
- c. Last date on which wages were paid;
- d. Date on which the entity dissolved;
- e. Reason for the dissolution;
- f. Whether or not the entity expects to pay wages in the future;
- g. Whether the entity is being absorbed by another covered employer;
- h. Name and address of absorbing employer if applicable; and
- i. Name and address of employer that will retain the records of the dissolved entity.

4.1(4) Reports of dissolved or absorbed employers. An employer that has been dissolved or entirely absorbed by another employer is required to file a monthly report with IPERS through the effective date on which it was dissolved or absorbed. Any wages paid after this date are reported under the account number assigned to the new or successor employer, if any.

4.1(5) IPERS account number. Each employer is assigned an IPERS account number. This number should be used on all correspondence and reporting forms directed to IPERS.

4.1(6) Patient advocates. For patient advocates employed under Iowa Code section 229.19, the county or counties for which services are performed shall be treated as the covered employer(s) of such individuals, and each such employer is responsible for forwarding reports and for withholding and forwarding the applicable IPERS contributions on wages paid by each employer.

[ARC 3684C, IAB 3/14/18, effective 4/18/18]

495—4.2(97B) Records to be kept by the employer.

4.2(1) General. Each employer shall maintain records to show the information hereinafter indicated. Records shall be kept in the form and manner prescribed by IPERS. Records shall be open to inspection and may be copied by IPERS and its authorized representatives at any reasonable time.

4.2(2) Required information. Records shall show with respect to each employee:

- a. Employee's name, address, gender, and social security account number, and other demographic information that may be required;
- b. Each date the employee was paid wages or other wage equivalent (e.g., room, board);
- c. Total amount of wages paid on each date including noncash wage equivalents;
- d. Total amount of wages including wage equivalents on which IPERS contributions are payable;
- e. Amount withheld from wages or wage equivalents for the employee's share of IPERS contributions; and
- f. Effective January 1, 1995, records will show, with respect to each employee, member contributions picked up by the employer.

4.2(3) Reports.

a. Each employer shall make reports as IPERS may require and shall comply with the instructions provided by IPERS for the reports.

b. Effective July 1, 2021, employers shall report the termination date and date of final paycheck for all terminating employees to IPERS with the final wage report for such employee. This report shall contain the employee's last-known mailing address and such other information as IPERS might require.

c. The Iowa department of administrative services and the Iowa department of corrections shall notify IPERS prior to adding additional job classifications to the protection occupation class. The notification shall include the effective date, names and social security numbers of the employees involved.

4.2(4) Fees. IPERS may assess to the employer a fee for administrative costs as described in subrule 4.3(6).

[ARC 8601B, IAB 3/10/10, effective 4/14/10; ARC 2981C, IAB 3/15/17, effective 4/19/17; ARC 5489C, IAB 3/10/21, effective 4/14/21]

495—4.3(97B) Wage reporting and payment of contributions by employers.

4.3(1) *Payment of contributions.* For wages paid on or after July 1, 2008, all covered employers are required to pay contributions on a monthly basis. Upon enrollment as an IPERS-covered employer, the employer shall receive the appropriate forms and instructions from IPERS to submit contributions. IPERS will provide monthly statements to each employer.

IPERS accepts the payment of contributions through electronic funds transfer. Payments utilizing the electronic funds transfer system shall be made according to the procedure described in subrule 4.3(3).

IPERS accepts the payment of contributions using checks and remittance advice forms. Employers filing monthly employer remittance advice forms on paper for two or more employers shall attach the checks to each remittance form. Checks shall be made payable to the Iowa Public Employees' Retirement System and mailed with the employer remittance advice form to IPERS, P.O. Box 9117, Des Moines, Iowa 50306-9117. Effective August 1, 2008, such payments and reports shall be subject to a fee as described in subrule 4.3(6).

4.3(2) *Wage reports.* For wages paid on or after July 1, 2008, all IPERS-covered employers are required to file wage reports on a monthly basis. IPERS will provide the forms and instructions for wage reporting to employers. Each wage report must include the required information for all employees who earned reportable wages or wage equivalents under IPERS. The reports must be received by IPERS on or before the fifteenth day of the month following the month in which the wages were paid. If the fifteenth day falls on a weekend or state-observed holiday, the wage report is due on the next regularly scheduled business day.

Effective August 1, 2008, IPERS shall accept wage reports electronically via IPERS' employer self-service Internet application or as a paper report. However, for those employers submitting reports other than via IPERS' employer self-service Internet application, IPERS shall charge a fee as described in subrule 4.3(6).

4.3(3) *Deadlines for payment of contributions.*

a. Contributions must be paid monthly and must be received by IPERS on or before the fifteenth day of the month following the month in which wages were paid. If the fifteenth day falls on a weekend or state-observed holiday, the contribution is due on the next regularly scheduled business day.

b. For employers paying contributions by electronic funds transfer, wage reports and contributions may be submitted at the same time.

4.3(4) *Request for time extension.* A request for an extension of time to file a wage report or pay a contribution may be granted by IPERS for good cause if a request is made before the due date, but no extension shall exceed 15 days beyond the due date. If an employer that has been granted an extension fails to submit the wage report or pay the contribution on or before the end of the extension period, the applicable interest and fees shall be charged and paid from the original due date as if no extension had been granted. If the fifteenth day falls on a weekend or state-observed holiday, the contribution or wage report is due on the next regularly scheduled business day.

To establish good cause for an extension of time to file a wage report or pay contributions, the employer must show that the delinquency was not due to mere negligence, carelessness or inattention. The employer must affirmatively show that it did not file the wage report or timely pay a contribution because of some occurrence beyond the control of the employer.

4.3(5) *No reportable wages.* When an employer has no reportable wages during the applicable reporting period, the wage reporting document shall be filed according to subrule 4.3(2). Even if there are no reportable wages, the employer's account is considered delinquent for the reporting period and is subject to a fee until the report is filed. However, if the employer has notified IPERS on or before the due date that there are no wages to report, IPERS will adjust the due date, and no fee will be charged.

4.3(6) *Fees for noncompliance.* IPERS is authorized to impose reasonable fees on employers that do not file wage reports through the IPERS' employer self-service Internet application as described in subrule 4.3(2), that fail to timely file accurate wage reports, or that fail to pay contributions when due pursuant to subrule 4.3(3).

For submissions filed on or after August 1, 2008, IPERS shall charge employers a processing fee of \$20 plus 25 cents per employee for late submissions and manual processing of wage reports by IPERS. Employers that are late or that do not use IPERS' employer self-service Internet application may be charged both fees. In addition, if a fee for noncompliance is not paid by the fifteenth day of the month after the fee is assessed, the fee will accrue interest daily at the interest rate provided in Iowa Code sections 97B.9 and 97B.70. No fee will be charged on late contributions received as a result of a wage adjustment, but interest on the amount due will be charged until paid in full.

If the due date for a fee falls on a weekend or state-observed holiday, the due date shall be the next regularly scheduled business day.

4.3(7) *Erroneously reported wages for employees not covered under IPERS.* Employers that erroneously report wages for employees who are not eligible for coverage under IPERS may file an IPERS wage reporting adjustment form. IPERS shall return a warrant or issue a credit for both the employer and employee contributions made in error. The employer is responsible for returning the employees' share and for filing corrected federal and state wage reporting forms. Adjustments in such cases will be reported on the employer's monthly statement. Under no circumstance shall the employer adjust these wages by underreporting wages on a future periodic wage reporting document. Wages shall never be reported as a negative amount. An employer that completes the employer portion of an employee's request for a refund on an IPERS refund application form will not be permitted to file a periodic wage reporting adjustment form for that employee for the same time period. No fee will be assessed to employers that correct information as provided under this subrule.

4.3(8) *Contributions paid on wages in excess of the annual covered wage maximum.* For wages paid on or after July 1, 2008, whenever IPERS determines that an employee's wages will exceed the annual maximum established under Section 401(a)(17)(A) and the cost-of-living adjustments to that maximum permitted under Section 401(a)(17)(B) of the Internal Revenue Code during a given month, IPERS shall notify the applicable employer and shall return the related excess contributions. IPERS will detail on the monthly report those employees for whom wages were reported in excess of the covered wage ceiling. The employer is responsible for returning the employee's share of excess contributions and making the applicable tax corrections.

4.3(9) *Termination within less than six months of the date of employment.* If an employee hired for permanent employment terminates within six months of the date of employment, the employer may file an IPERS form for reporting adjustments to receive a warrant or a credit, as elected by the employer, for both the employer's and employee's portions of the contributions. It is the responsibility of the employer to return the employee's share. "Termination within less than six months of the date of employment" means employment is terminated prior to the day before the employee's six-month anniversary date. For example, an employee hired on February 10 whose last day is August 8 would be treated as having resigned within less than six months. An employee hired on February 10 whose last day is August 9 (the day before the six-month anniversary date, August 10) would be treated as having worked six months and would be eligible for a refund.

4.3(10) *Reinstatement following an employment dispute.* Employees who are reinstated following an employment dispute may restore membership service credit as described in 495—9.5(97B).

[ARC 9397B, IAB 2/23/11, effective 3/30/11; ARC 2981C, IAB 3/15/17, effective 4/19/17; ARC 3684C, IAB 3/14/18, effective 4/18/18]

495—4.4(97B) Accrual of interest and application of employer payments. Interest or charges as provided under Iowa Code section 97B.9 shall accrue on all employer payments not received by IPERS by the due date, except that interest or charges may be waived by IPERS if the employer requests an extension of time under subrule 4.3(4) prior to the due date. Effective August 1, 2008, employers that remit late contributions shall be charged a minimum of \$20 or interest at the rate provided in Iowa Code section 97B.70, whichever is greater. No fee will be charged on late contributions received as a result of a wage adjustment, but interest on the amount due will be charged until paid in full. Payments received from employers having unpaid account balances shall first be applied to the oldest outstanding balance.

495—4.5(97B) Credit memos voided. Rescinded IAB 3/26/08, effective 4/30/08.

495—4.6(97B) Contribution rates. The following contribution rate schedule, payable on the covered wage of the member, is determined by the position or classification and the occupation class code of the member.

4.6(1) Contribution rates for regular class members.

a. The following contribution rates were established by the Iowa legislature for all regular class members for the indicated periods:

	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009	Effective July 1, 2010	Effective July 1, 2011
Combined rate	9.95%	10.45%	10.95%	11.45%	13.45%
Employer	6.05%	6.35%	6.65%	6.95%	8.07%
Employee	3.90%	4.10%	4.30%	4.50%	5.38%

b. Effective July 1, 2012, and every year thereafter, the contribution rates for regular members shall be publicly declared by IPERS staff no later than the preceding December as determined by the annual valuation of the preceding fiscal year. The public declaration of contribution rates will be followed by rulemaking that will include a notice and comment period and that will become effective July 1 of the next fiscal year. Contribution rates for regular members are as follows.

	Effective July 1, 2022	Effective July 1, 2023	Effective July 1, 2024	Effective July 1, 2025	Effective July 1, 2026
Combined rate	15.73%	15.73%	15.73%	15.73%	15.73%
Employer	9.44%	9.44%	9.44%	9.44%	9.44%
Employee	6.29%	6.29%	6.29%	6.29%	6.29%

4.6(2) Contribution rates for sheriffs and deputy sheriffs are as follows.

	Effective July 1, 2022	Effective July 1, 2023	Effective July 1, 2024	Effective July 1, 2025	Effective July 1, 2026
Combined rate	17.52%	17.02%	17.02%	24.18%	24.42%
Employer	8.76%	8.51%	8.51%	11.965%	12.085%
Employee	8.76%	8.51%	8.51%	12.215%	12.335%

4.6(3) Contribution rates for protection occupations are as follows.

	Effective July 1, 2022	Effective July 1, 2023	Effective July 1, 2024	Effective July 1, 2025	Effective July 1, 2026
Combined rate	15.52%	15.52%	15.52%	15.52%	15.52%
Employer	9.31%	9.31%	9.31%	9.185%	7.635%
Employee	6.21%	6.21%	6.21%	6.335%	7.885%

4.6(4) Members employed in a “protection occupation” shall include:

a. Conservation peace officers. Effective July 1, 2002, all conservation peace officers, state and county, as described in Iowa Code sections 350.5 and 456A.13.

b. Effective July 1, 1994, a marshal in a city not covered under Iowa Code chapter 400 or a firefighter or police officer of a city not participating under Iowa Code chapter 410 or 411. (See employee classifications in rule 495—5.1(97B).) Effective January 1, 1995, part-time police officers shall be included.

c. Correctional officers as provided for in Iowa Code section 97B.49B. Employees who, prior to December 22, 1989, were in a “correctional officer” position but whose position is found to no longer meet this definition on or after that date shall retain coverage, but only for as long as the employee is in that position or another “correctional officer” position that meets this definition. Movement to a position that does not meet this definition shall cancel “protection occupation” coverage.

d. Airport firefighters employed by the military division of the department of public defense (airport firefighters). Effective July 1, 2004, airport firefighters become part of and shall make the same contributions as the other members covered under Iowa Code section 97B.49B. From July 1, 1994, through June 30, 2004, airport firefighters were grouped with and made the same contributions as sheriffs and deputy sheriffs. From July 1, 1988, through June 30, 1994, airport firefighters were grouped with and made the same contributions as the other members covered under Iowa Code section 97B.49B. From July 1, 1986, through June 30, 1988, airport firefighters were a separate protection occupation group and made contributions at a rate calculated for members of that group. Prior to July 1, 1986, airport firefighters were grouped with regular members and made the same contributions as regular members.

Notwithstanding the foregoing, all airport firefighter service prior to July 1, 2004, shall be coded by IPERS as sheriff/deputy sheriff/airport firefighter service, and all airport firefighter service after June 30, 2004, shall be coded by IPERS as protection occupation service. This coding, however, shall not supersede provisions of this title that require members to make contributions at higher rates in order to receive certain benefits, such as in the hybrid formula pursuant to 495—12.4(97B).

e. Airport safety officers employed under Iowa Code chapter 400 by an airport commission in a city with a population of 100,000 or more, and employees covered by the Iowa Code chapter 8A merit system whose primary duties are providing airport security and who carry or are licensed to carry firearms while performing those duties.

f. Effective July 1, 1990, an employee of the state department of transportation who is designated as a “peace officer” by resolution under Iowa Code section 321.477.

g. Effective July 1, 1992, a fire prevention inspector peace officer employed by the department of public safety. Effective July 1, 1994, a fire prevention inspector peace officer employed before that date who does not elect coverage under Iowa Code chapter 97A in lieu of IPERS.

h. Effective July 1, 1994, through June 30, 1998, a parole officer III with a judicial district department of correctional services.

i. Effective July 1, 1994, through June 30, 1998, a probation officer III with a judicial district department of correctional services.

j. Effective July 1, 2008, county jailers and detention officers working as jailers.

k. Effective July 1, 2008, National Guard installation security officers.

l. Effective July 1, 2008, emergency medical care providers.

m. Effective July 1, 2008, special investigators who are employed by county attorneys.

n. Effective July 1, 2014, an employee of the insurance division of the department of commerce who as a condition of employment is required to be certified by the Iowa law enforcement academy and who is required to perform the duties of a peace officer as provided in Iowa Code section 507E.8.

o. Effective July 1, 2014, an employee of a judicial district department of correctional services whose condition of employment requires the employee to be certified by the Iowa law enforcement academy and who is required to perform the duties of a parole officer as provided in Iowa Code section 906.2.

p. Effective July 1, 2016, a peace officer employed by an institution under the control of the state board of regents whose position requires law enforcement certification pursuant to Iowa Code section 262.13.

q. Effective July 1, 2016, a person employed by the department of human services as a psychiatric security specialist at a civil commitment unit for sexually violent offenders facility.

4.6(5) Service reclassification.

a. Prior to July 1, 2006, except as otherwise indicated in the implementing legislation or these rules, for a member whose prior regular service position is reclassified by the legislature as a special service position, all prior service by the member in such regular service position shall be coded by IPERS staff as special service if certified by the employer as constituting special service under current law. No additional contributions shall be required by regular service reclassified as special service under this paragraph.

b. Effective July 1, 2006, for a member whose prior regular service position is reclassified by the legislature as a special service position, all prior service by the member in such regular service position shall continue to be coded by IPERS staff as regular service unless the legislature specifically provides in

its legislation for payment of the related actuarial costs of such reclassified service as required under Iowa Code section 97B.65.

4.6(6) Effective July 1, 2006, in the determination of a sheriff's or deputy sheriff's eligibility for benefits and the amount of such benefits under Iowa Code section 97B.49C, all protection occupation service credits for that member shall count toward the total years of eligible service as a sheriff or deputy sheriff. However, this subrule shall not be construed to alter the statutory requirement that a sheriff or deputy sheriff must be employed as a sheriff or deputy sheriff at termination of covered employment in order to qualify for benefits under Iowa Code section 97B.49C.

4.6(7) Pretax.

a. Effective January 1, 1995, employers must pay member contributions on a pretax basis for federal income tax purposes only. Such contributions are considered employer contributions for federal income tax purposes and employee contributions for all other purposes. Employers must reduce the member's salary reportable for federal income tax purposes by the amount of the member's contribution.

b. Salaries reportable for purposes other than federal income tax will not be reduced, including for IPERS, FICA, and, through December 31, 1998, state income tax purposes.

c. Effective January 1, 1999, employers must pay member contributions on a pretax basis for both federal and state income tax purposes.

[ARC 7591B, IAB 2/25/09, effective 7/1/09; ARC 7759B, IAB 5/6/09, effective 4/17/09; ARC 7916B, IAB 7/1/09, effective 8/5/09; ARC 8601B, IAB 3/10/10, effective 4/14/10; ARC 9397B, IAB 2/23/11, effective 3/30/11; ARC 0017C, IAB 2/22/12, effective 3/28/12; ARC 0662C, IAB 4/3/13, effective 5/8/13; ARC 1348C, IAB 2/19/14, effective 3/26/14; ARC 1887C, IAB 2/18/15, effective 3/25/15; ARC 2402C, IAB 2/17/16, effective 3/23/16; ARC 2981C, IAB 3/15/17, effective 4/19/17; ARC 3684C, IAB 3/14/18, effective 4/18/18; ARC 4337C, IAB 3/13/19, effective 4/17/19; ARC 5027C, IAB 4/8/20, effective 5/13/20; ARC 5489C, IAB 3/10/21, effective 4/14/21; ARC 6215C, IAB 2/23/22, effective 3/30/22; ARC 6949C, IAB 3/8/23, effective 4/12/23; ARC 7811C, IAB 4/17/24, effective 5/22/24; ARC 9287C, IAB 5/14/25, effective 6/18/25; ARC 9417C, IAB 7/23/25, effective 6/30/25; ARC 0323D, IAB 5/27/26, effective 7/1/26; ARC 0441D, IAB 7/8/26, effective 7/1/26]

495—4.7(97B) Employee information to be provided by covered employers. Covered employers are required to enroll new employees prior to reporting wages for the new employees using IPERS' employer self-service Internet application. Enrollment information shall include, but is not limited to, the following: member's name, social security number, date of birth, date of hire, occupation code, gender, mailing address, and employer identification number. When an employee terminates employment with a covered employer, the employer shall provide the termination date and the date of the employee's final paycheck.

[ARC 2981C, IAB 3/15/17, effective 4/19/17]

495—4.8(97B) Additional employer contributions from employer-mandated reduction in hours or by the exercise of bumping rights to avoid a layoff. Rescinded ARC 2981C, IAB 3/15/17, effective 4/19/17.

These rules are intended to implement Iowa Code sections 97B.4, 97B.9, 97B.14, 97B.14A, 97B.38, 97B.49A to 97B.49I, 97B.65 and 97B.70 and 2009 Iowa Acts, chapter 170, section 51, as amended by 2010 Iowa Acts, House File 2518, sections 36 and 41.

[Filed 5/21/04, Notice 4/14/04—published 6/9/04, effective 7/14/04]

[Filed emergency 6/4/04—published 6/23/04, effective 7/1/04]

[Filed 7/30/04, Notice 6/23/04—published 8/18/04, effective 9/22/04]

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[Filed 5/6/05, Notice 3/30/05—published 5/25/05, effective 7/1/05]

[Filed 12/1/05, Notice 10/26/05—published 12/21/05, effective 1/25/06]

[Filed 4/7/06, Notice 3/1/06—published 4/26/06, effective 5/31/06]

[Filed 11/3/06, Notice 9/27/06—published 11/22/06, effective 12/27/06]

[Filed 5/3/07, Notice 3/28/07—published 5/23/07, effective 6/27/07]

[Filed 3/7/08, Notice 1/2/08—published 3/26/08, effective 4/30/08]

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[Filed ARC 7591B (Notice ARC 7453B, IAB 12/31/08), IAB 2/25/09, effective 7/1/09]

[Filed Emergency ARC 7759B, IAB 5/6/09, effective 4/17/09]

[Filed ARC 7916B (Notice ARC 7760B, IAB 5/6/09), IAB 7/1/09, effective 8/5/09]
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[Filed Emergency ARC 8929B, IAB 7/14/10, effective 6/21/10]
[Filed ARC 9068B (Notice ARC 8928B, IAB 7/14/10), IAB 9/8/10, effective 10/13/10]
[Filed ARC 9397B (Notice ARC 9310B, IAB 12/29/10), IAB 2/23/11, effective 3/30/11]
[Filed ARC 0017C (Notice ARC 9951B, IAB 12/28/11), IAB 2/22/12, effective 3/28/12]
[Filed ARC 0662C (Notice ARC 0598C, IAB 2/6/13), IAB 4/3/13, effective 5/8/13]
[Filed ARC 1348C (Notice ARC 1256C, IAB 12/25/13), IAB 2/19/14, effective 3/26/14]
[Filed ARC 1887C (Notice ARC 1800C, IAB 12/24/14), IAB 2/18/15, effective 3/25/15]
[Filed ARC 2402C (Notice ARC 2331C, IAB 12/23/15), IAB 2/17/16, effective 3/23/16]
[Filed ARC 2981C (Notice ARC 2892C, IAB 1/18/17), IAB 3/15/17, effective 4/19/17]
[Filed ARC 3684C (Notice ARC 3537C, IAB 1/3/18), IAB 3/14/18, effective 4/18/18]
[Filed ARC 4337C (Notice ARC 4238C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]
[Filed ARC 5027C (Notice ARC 4925C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]
[Filed ARC 5489C (Notice ARC 5359C, IAB 12/30/20), IAB 3/10/21, effective 4/14/21]
[Filed ARC 6215C (Notice ARC 6117C, IAB 12/29/21), IAB 2/23/22, effective 3/30/22]
[Filed ARC 6949C (Notice ARC 6823C, IAB 1/11/23), IAB 3/8/23, effective 4/12/23]
[Filed ARC 7811C (Notice ARC 7648C, IAB 2/21/24), IAB 4/17/24, effective 5/22/24]
[Filed ARC 9287C (Notice ARC 9046C, IAB 3/19/25), IAB 5/14/25, effective 6/18/25]
[Filed Emergency ARC 9417C, IAB 7/23/25, effective 6/30/25]
[Filed ARC 0323D (Notice ARC 0188D, IAB 4/1/26), IAB 5/27/26, effective 7/1/26]
[Filed Emergency ARC 0441D, IAB 7/8/26, effective 7/1/26]

CHAPTER 17
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

495—17.1(17A,22) Definitions. As used in this chapter:

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information as described in Iowa Code section 97B.17, and records, or information contained in records, that are specified in Iowa Code section 22.7, or by other provision of law.

“*Custodian*” means the CEO or designee.

“*Open record*” means a record other than a confidential record.

“*Personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system under the jurisdiction of the agency.

“*Record*” means all or part of a “public record” as defined in Iowa Code section 22.1 or 97B.17 which is owned by or in the physical possession of the agency. IPERS also defines a record as information stored or preserved regardless of physical form. Record content, not record form, determines whether or not information constitutes a record. Any information documenting official final business, whether recorded on paper, reproduced on microfilm, entered in an electronic database, documented photographically, recorded in video or audio media, or documented using any other medium, constitutes a record. A record that is not confidential or otherwise exempt by federal or state law is termed an open record.

“*Record system*” means any group of records under the jurisdiction of the agency from which a confidential record or information may be retrieved.

[ARC 1887C, IAB 2/18/15, effective 3/25/15]

495—17.2(17A,22) Statement of policy, purpose and scope. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.4(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.6(17A,22) Procedure by which a person who is the subject of a record may have additions, dissents, or objections entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.7(17A,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.8(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

495—17.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by personal identifier in record systems defined in rule 495—17.1(97B). For each record system, this rule describes the legal authority for the collection of that information and the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. Record systems under the jurisdiction of the agency that are retrievable through the use of personal identifiers are described as follows:

17.14(1) *IPERS personnel files and records.* Personnel files of IPERS employees are maintained and kept under the jurisdiction of the agency and contain personal, private, and otherwise confidential records under Iowa Code section 22.7(11). It is unlikely that the personal and private information in these records can be separated from otherwise releasable information without identifying the subject or the employee's family. These records contain names, social security numbers and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system.

17.14(2) *Iowa public employees' retirement system.* The retirement system possesses records that concern individual public employees who are covered by IPERS and their families. Records are collected in accordance with Iowa Code chapter 97B and are confidential records in part under Iowa Code sections 22.7 and 97B.17. These records contain names, addresses, social security numbers, and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system.

17.14(3) *Vendor contracts.* These are records pertaining to facilities management, training, investment management, and other services. These records are collected in accordance with Iowa Code chapter 97B and are confidential records in part under Iowa Code section 22.7. These records contain names, addresses, social security numbers, and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system. Vendors that have access to personally identifiable information shall sign a data-sharing agreement as requested by IPERS.

[ARC 5489C, IAB 3/10/21, effective 4/14/21]

495—17.15(17A,22) Other groups of records routinely available for public inspection. This rule describes groups of records maintained by the agency other than those record systems retrieved by personally identifiable information as defined in rule 495—17.1(97B). These records are routinely available to the public subject to costs. However, these records may contain confidential information. In addition, the records listed in subrules 17.15(1) to 17.15(4), 17.15(6), and 17.15(9) may contain information about individuals. All records may be stored on paper, microfilm, tape or in automated data processing systems unless otherwise noted.

17.15(1) Rule-making records. Rule-making records may identify individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection. This information is not retrieved by individual identifier.

17.15(2) Board and committee records. Agendas, minutes, and materials presented to the board and committee within the agency are available from the agency except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5(4) or which are otherwise confidential

by law. These records may identify individuals who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier.

17.15(3) Publications. News releases, annual reports, final project reports, newsletters, and brochures describing various programs are available from the agency. These publications may contain information about individuals, including staff or members of the board or committee. This information is not retrieved by individual identifier.

17.15(4) Statistical reports. Periodic reports of activity for various department programs are available from the department. This information is not retrieved by individual identifier.

17.15(5) Appeal decisions and advisory opinions. All final orders, decisions and opinions are open to the public except for information that is confidential according to rule 495—17.5(97B) or subrule 17.13(2). These records, collected under the authority of Iowa Code chapters 97B and 97C, may contain confidential information about individuals.

17.15(6) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright laws. This information is not retrieved by individual identifier.

17.15(7) Policy manuals. The agency's manuals containing the policies and procedures for programs administered by the agency are available at IPERS' headquarters. This information is not retrieved by individual identifier.

17.15(8) Administrative records. These are records related to the budgets of the agency, the requisition of equipment and supplies, the payment of claims, and other accounting functions as well as records kept by the investments section, including information on investment policies and portfolios. Some investment information is partially confidential under Iowa Code sections 22.7 and 97B.17.

17.15(9) All other records not exempted from disclosure by law.

495—17.16(17A,22) Comparison of data processing systems. To the extent required by law, all data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

495—17.17(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapter 97B.

[Filed 12/17/03, Notice 11/12/03—published 1/7/04, effective 2/11/04]

[Filed 12/1/05, Notice 10/26/05—published 12/21/05, effective 1/25/06]

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[Filed ARC 2402C (Notice ARC 2331C, IAB 12/23/15), IAB 2/17/16, effective 3/23/16]

[Filed ARC 5489C (Notice ARC 5359C, IAB 12/30/20), IAB 3/10/21, effective 4/14/21]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC

Supplement 7/8/26, effective 7/1/26]

CHAPTER 18

Reserved

CHAPTER 19

DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 23 to 25

Reserved

CHAPTER 26

APPEALS AND CONTESTED CASES—PROCEEDINGS

[Prior to 1/7/04, see 581—21.9]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 27 to 29

Reserved

CHAPTER 30

PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 31

AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 33
UNIFORM RULES FOR WAIVERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 34 to 2502
Reserved

CHAPTER 2503
DECLARATORY ORDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

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.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2503.8(17A) Refusal to issue order.

2503.8(4) The agency will not issue declaratory orders on the following:

- a.* The present value of IPERS retirement monthly benefits.
- b.* Actuarial assumptions used or proposed to be used by the agency.
- c.* The impact of proposed legislation.
- d.* Issues that require the disclosure of confidential information.
- e.* Any matter under appeal or in litigation.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

[Filed Emergency ARC 0442D, IAB 7/8/26, effective 6/30/26]

CHAPTER 2504
RULE WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

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.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2504.6(17A) Rules from which the agency shall not grant waivers. The agency shall not grant waivers from the following rules, except as otherwise indicated in the following list.

1. Rules that implement state or federal law, if the waiver could affect the taxability of pension benefits under the Internal Revenue Code and regulations thereunder or the Iowa Code and rules adopted thereunder.

2. Rules that set forth the formulas used to calculate IPERS' monthly retirement benefits, actuarial equivalents, dividends, amounts to be credited to supplemental accounts of active members, refunds, death benefits, and service purchase costs.

3. Rules that implement contribution rates and actuarial assumptions set by IPERS.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

[Filed Emergency ARC 0442D, IAB 7/8/26, effective 6/30/26]

CHAPTER 2505
Reserved

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

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.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2506.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the agency, including vendor appeals. However, this chapter does not apply to the extent that a claim being addressed by the agency is governed by Iowa Code chapter 97B or if the competitive solicitation will be paid for with investment management expenses charged to the investment income of the retirement fund as set forth in Iowa Code section 97B.7(3) “d.”

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2506.2(17A) Definitions.

“*Presiding officer*” means the administrative law judge designated pursuant to Iowa Code section 97B.20B.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2506.6(17A) Presiding officer. This rule is not adopted.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2506.14(17A) Subpoenas.

2506.14(1) This subrule is not adopted.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2506.26(17A) Final decisions.

2506.26(1) This subrule is not adopted.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

495—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the employment appeal board as provided in Iowa Code section 97B.27.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the employment appeal board as provided in Iowa Code section 97B.27. 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:

2506.27(4) This subrule is not adopted.

2506.27(5) *Scheduling.* The employment appeal board 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 employment appeal board may resolve the appeal on the briefs or provide an opportunity for oral argument. The employment appeal board may shorten or extend the briefing period as appropriate.

[ARC 0442D, IAB 7/8/26, effective 6/30/26]

[Filed Emergency ARC 0442D, IAB 7/8/26, effective 6/30/26]

IOWA PUBLIC INFORMATION BOARD[497]**CHAPTER 1****ORGANIZATION AND GENERAL ADMINISTRATION**

- 1.1(23) Board description
- 1.2(23) Requirements for requesting board advisory opinions
- 1.3(23) Processing of advisory opinion requests
- 1.4(23) Conflict of interest

CHAPTER 2**COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES**

- 2.1(23) Complaints
- 2.2(23) Investigations—board action
- 2.3(23) Civil penalties and other appropriate remedies
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CHAPTERS 3 to 6

Reserved

CHAPTER 7**FAIR INFORMATION PRACTICES**

- 7.1(17A,22) Definitions
- 7.2 to 7.11 Reserved
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- 7.13(17A,22) Other groups of records available for public inspection—policies and procedures (excluding security), meeting minutes

CHAPTER 8**OPEN MEETINGS**

- 8.1(21,23) Notice
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CHAPTER 9

Reserved

CHAPTER 10**INJUNCTION REQUEST PROCEDURE**

- 10.1(23) Complaint
- 10.2(23) Notice to court
- 10.3(23) Staff review
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CHAPTER 3
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

497—7.1(17A,22) Definitions. As used in this chapter:

“Agency” means the Iowa public information board.

“Confidential records” means records, as defined under Iowa Code section 22.7 or any other provision of law, which are not disclosed to members of the public unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release the records. This includes records which the board is prohibited by law from making available for inspection by members of the public and those exempt records which the board has lawfully determined not to disclose to members of the public.

“Open records” means those records which are not authorized or required to be kept confidential under Iowa Code section 22.7 or any other provision of law.

“Record” means the whole or a part of a “public record” as defined in Iowa Code section 22.1 that is owned by or is in the physical possession of the board.

“Record system” means any group of records under the control of the board from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

497—7.2(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.3(17A,22) Requests for access to board records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.4(17A,22) Procedures for access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.5(17A,22) Requests for treatment of a government record as a confidential record and its withholding from examination by the board. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.6(17A,22) Procedure by which additions, dissents or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.7(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.8(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.10(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.11(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

497—7.12(17A,22) Personally identifiable information.

7.12(1) This rule describes the nature and extent of personally identifiable information which is collected, maintained and retrieved by the agency by personal identifier in record systems as defined in this rule. For each record system, this rule:

a. Describes the legal authority for the collection of that information and the means of storage of that information; and

b. Indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

7.12(2) Complaint files. These records are the complaints filed with the board alleging a violation of Iowa Code chapter 21 or 22. The complaint will include a description of the facts on which the complaint is based and the name of the person filing the complaint.

7.12(3) Records of telephone inquiries. Records of the telephone inquiries may be kept for statistical reasons or to inform the board of the nature and volume of informal, verbal advice.

7.12(4) 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, attorney notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney and case management records. The files contain materials which 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 wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

7.12(5) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, and tax withholding information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

497—7.13(17A,22) Other groups of records available for public inspection—policies and procedures (excluding security), meeting minutes. This rule describes groups of records maintained by the board other than record systems as previously defined. These records are routinely available to the public. However, the board's file of these records may contain confidential information, as discussed in rule 497—7.12(17A,22). The following records are stored both as hard copy and in automated data processing systems unless otherwise noted.

7.13(1) *Rule-making records.* Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

7.13(2) *Board meeting records.* Agendas, minutes and materials presented to the board are available from the office of the executive director, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5(4) or which are otherwise confidential by law. Board meeting records contain information about people who participate in meetings. The information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier.

7.13(3) *Publications.* News releases, annual reports, project reports, board newsletters, and related documents are available from the board office. Board news releases, project reports, and newsletters may contain information about individuals, including board staff or members of the board. This information is not retrieved by individual identifier.

7.13(4) *Statistical reports.* Periodic reports of the board for various board programs are available from the board office. Statistical reports do not contain personally identifiable information.

7.13(5) *Published materials.* The board uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law. These records are hard copy only.

7.13(6) *Policy manuals.* The board employees' manual, containing procedures describing the board's regulations and practices, is available. Subscriptions to all or part of the employees' manual are available at the cost of production and handling. Requests for subscription information should be addressed to the board office. Policy manuals do not contain information about individuals.

7.13(7) *Other records.* All other records that are not exempt from disclosure by law are available from the board office.

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

497—7.14(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

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

[Filed ARC 0741C (Notice ARC 0644C, IAB 3/20/13), IAB 5/15/13, effective 7/1/13]

[Filed Without Notice ARC 1091C, IAB 10/16/13, effective 11/20/13]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 9

WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

LAW ENFORCEMENT ACADEMY[501]

[Prior to 1971 IDR, see Dept. of Public Safety]
[Prior to 3/11/87, Law Enforcement Academy[550]]

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CHAPTER 1
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[Appeared as rules 3.1, 4.1, 5.1 and ch 6 prior to 4/10/85]
[Prior to 3/11/87, Law Enforcement Academy[550] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

501—1.1(80B) Definitions. In regards to the definitions as used in the rules of the law enforcement academy the following definitions apply, unless the context otherwise requires:

“*Academy*” refers to the Iowa law enforcement academy.

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

“*Act*” means the Iowa Administrative Procedure Act.

“*Applicant*” means all individuals seeking an entry level position as a law enforcement officer. This shall not include individuals who are being promoted within a department.

“*Certificate*” means the document issued to a law enforcement officer when documentation has established compliance with the minimum hiring standards and successful completion of the training requirements.

“*Certification*” means the issuing of a certificate to a law enforcement officer upon documentation that the officer has been employed and trained in compliance with the established minimum standards.

“*Change in status*” means leaving an agency for any reason, including termination, voluntary resignation, demotion, promotion, suspension, or any other change in position or title.

“*Contested case*” means a proceeding in which the legal rights of a party to continue to be certified as a law enforcement officer in the state of Iowa are determined by the council or its designee after an opportunity for an evidentiary hearing.

“*Continuing education*” means training approved by the Iowa law enforcement academy which is obtained by a certified Iowa law enforcement emergency care provider to maintain, improve, or expand relevant skills and knowledge and to satisfy renewal of certification requirements.

“*Convicted*” or “*conviction*” means a finding of guilt, a plea of guilty, a deferred judgment, a deferred or suspended sentence, and an adjudication of delinquency as a juvenile.

“*Council*” refers to the Iowa law enforcement academy council.

“*Director*” refers to the director of the Iowa law enforcement academy.

“*Employing agency*” means any state, county, or municipal government or governmental body that employs law enforcement officers.

“*Facilities approval application form*” means the form prepared by the Iowa law enforcement academy council to be utilized in an application for approval of a regional law enforcement training facility.

“*Facility*” means a jail as defined in 201—Chapter 50 or a temporary holding facility as defined in 201—Chapter 51.

“*Felony*” means a criminal offense classified as a felony in the jurisdiction in which it was committed.

“*Final selection process*” means that process by which the final applicant for a law enforcement position is selected. This process requires, minimally, that the person to be hired shall have successfully completed the mandated psychological testing.

“*General instructors*” means peace officers, jailers, jail administrators or public safety telecommunicators instructing in subjects relevant to their profession.

“*Good cause*” means termination of employment for any of the following reasons:

1. *Gross negligence*: Where the officer’s act or failure to act creates a danger or risk to persons, property, or to the efficient operation of the department, recognizable as a gross deviation from the standard of care that a reasonable officer would observe in a similar circumstance.

2. *Insubordination*: A refusal by an employee to comply with a rule or order where the rule or order was reasonably related to the orderly, efficient, or safe operation of the employer’s business and where the employee’s refusal to comply with the rule or order constitutes breach of duties.

3. *Incompetence or gross misconduct:* In determining what constitutes “incompetence or gross misconduct,” the council may take into account sources as practices generally followed in the profession, current teaching at law enforcement training facilities and technical reports and literature relevant to the field of law enforcement.

“*Initial certification*” means the law enforcement certification granted to a law enforcement officer by the Iowa law enforcement academy council pursuant to 501—3.1(80B), 3.8(80B), or 3.9(80B), Iowa Administrative Code.

“*Iowa law enforcement emergency care provider*” or “*ILEECP*” means an individual who is certified by the academy as an Iowa peace officer, who has successfully completed an emergency medical care provider curriculum approved by the academy, and who is currently certified by the academy as an emergency medical care provider.

“*Iowa law enforcement training program*” means the law enforcement academy or a law enforcement training program approved by the council to conduct ILEECP emergency medical care training.

“*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.

“*Jailer*” means any person involved in the booking or supervision of inmates or detainees and meeting the requirements of rules 201—50.10(356,356A) and 50.11(356,356A) or 201—51.8(356,356A) and 51.9(356,356A).

“*Jailer training program*” means a jailer in-service or basic training program.

“*Law enforcement experience*” means experience gained by a law enforcement officer whose primary job function is the enforcement of criminal laws and the prevention and detection of crime.

“*Law enforcement officer*” means an officer appointed by the director of the department of natural resources; an officer appointed by the director of the Iowa law enforcement academy and sworn in for the purposes of training; a member of a police force or other agency or department of the state, county, or city regularly employed as such and who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state; and all individuals, as determined by the council, who by the nature of their duties may be required to perform the duties of a peace officer.

“*Nonstate agency*” means all other agencies that are not state agencies.

“*Party*” means each person or agency named or admitted as a party properly seeking and entitled as of right to be admitted as a party.

“*Person*” means any individual, corporation or association covered by the Act other than an agency.

“*Pleadings*” means a protest, motion, answer, reply or other document filed in a contested case proceeding.

“*Presiding officer*” means an administrative law judge employed by the Iowa department of inspections and appeals or the full council or a three-member panel of the council.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the full council did not preside.

“*Recommendation*” means a request by an employing agency asking the council to revoke the certification of a past or present law enforcement officer.

“*Regional facility director*” means the administrative head or responsible official of the approved regional law enforcement training facility.

“*Regional training facility*” means an approved regional law enforcement training facility.

“*Regular law enforcement officer*” means those full-time or part-time officers who are subject to the Iowa law enforcement academy hiring, training, and certification requirements.

“*Reserve peace officer*” means a volunteer, nonregular, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as a law enforcement agency’s representative, and participates on a regular basis in the law enforcement agency’s activities including crime prevention and control, preservation of the peace, and enforcement of law.

“Respondent” means any individual who is charged in a complaint with violating the criteria of professional practices or the criteria of competent performance.

“Revocation” means the process by which the council withdraws an individual’s certification. A person remains under revocation until the time it can be demonstrated to the council that the grounds for revocation no longer exist and the officer’s certification is reinstated.

“Salvage vehicle theft examination” means a salvage vehicle theft examination conducted by a law enforcement officer pursuant to Iowa Code section 321.52(4) “c.”

“Salvage vehicle theft examiner” means a law enforcement officer certified by the Iowa law enforcement academy to conduct vehicle theft examinations pursuant to Iowa Code section 321.52(4) “c.”

“Serious misconduct” means improper or illegal actions taken by a law enforcement officer in connection with the officer’s official duties including but not limited to a conviction for a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

“State agency” means any department or division of state government which derives its primary funding from the state treasury.

“Student” means any individual enrolled in a training program and participating in the didactic or psychomotor portions.

“Subject matter expert” means those instructors responsible for a subject requiring a specialized academic degree, certification, licensure or experience.

“Temporary holding facility” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility.

“Training program director” means the official responsible for a jailer training program.

“Weapon” shall mean any firearm, striking instrument or chemical agent authorized for use as a weapon by the hiring authority.

Unless otherwise specifically stated, the terms used in these rules promulgated by the council shall have the meaning defined by this chapter.

This rule is intended to implement Iowa Code sections 80B.3, 80B.11, 80B.13, 80D.7 and 321.52.

[ARC 3997C, IAB 9/12/18, effective 10/17/18; ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 5572C, IAB 4/21/21, effective 5/26/21; ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—1.2(80B) Council established. The council and the academy were created by an Act of the Sixty-second General Assembly, now cited as Iowa Code chapter 80B. The general purposes for which the council and academy were established are:

1. To maximize training opportunities for law enforcement officers.
2. To coordinate training and to set standards for the law enforcement service, all of which are imperative to upgrading law enforcement to a professional status.

This rule is intended to implement Iowa Code section 80B.6.

501—1.3(80B) Administration. The administration of the Act creating the council and academy is vested in the office of the governor.

This rule is intended to implement Iowa Code section 80B.5.

501—1.4(80B) Council membership. The selection, appointment, and approval of members to the council are made as provided for in Iowa Code section 80B.6.

This rule is intended to implement Iowa Code section 80B.6.

501—1.5(80B) Council officers. The council shall select from its membership a chairperson and a vice chairperson each of whom shall serve for a term of one year and who may be reelected.

This rule is intended to implement Iowa Code section 80B.7.

501—1.6(80B) Meetings. The council shall meet as least once each quarter of each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice chairperson, or by the chairperson upon written request of six members of the council.

1.6(1) Order of business. The meetings of the council shall be presided over by the chairperson or vice chairperson. Unless otherwise stipulated in these rules, Robert's Rules of Order are to be followed in conducting the business of the council.

1.6(2) Open meetings. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21. Members of the public may be recognized at the discretion of the chairperson.

1.6(3) Notice, minutes and agenda.

a. The director shall cause advance public notice of the time and place of each meeting in accordance with Iowa Code section 21.4.

b. The director shall cause minutes of all council meetings to be kept showing the time and place, the members present, and the action taken at each meeting. The minutes will constitute the official record of all actions by the council. Minutes of each meeting will be prepared and distributed to members of the council.

c. At least one week prior to the date of a regular meeting, the director shall prepare a tentative agenda for the next meeting of the council and shall cause the distribution of the tentative agenda to the council. At least one week prior to a regular meeting, a council member may submit an item to be included on the agenda. This agenda shall also list the date, time and place of the meeting.

1.6(4) Quorum and majority vote. A quorum shall 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.

1.6(5) Information available. All records, minutes, manuals and other information pertaining to council action shall be kept at the academy. The information shall be open for inspection to the public during normal working hours.

1.6(6) Place of meetings. Meetings will normally be held at the Academy, Camp Dodge, Johnston, Iowa but may be held at a different location as determined by the council.

This rule is intended to implement Iowa Code section 80B.9.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—1.7(80B) Address of council. All submissions to or requests of the council shall be made through the office of the Director, Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131.

This rule is intended to implement Iowa Code section 80B.9.

501—1.8(80B) Emergency action. In the event of an emergency requiring prompt action by the council, the director may, with the approval of the chairperson, telephonically poll members of the council concerning the needed action. The vote of each member should be recorded and the agreement of a majority of voting members shall constitute official action by the council. Such action must be ratified at the next scheduled meeting of the council and the minutes reflect the nature of the emergency.

This rule is intended to implement Iowa Code section 80B.13(2).

501—1.9(80B) Authority of council—operational standards. The authority of the council shall be as set forth in Iowa Code section 80B.13. The director shall, subject to the review of the council, promulgate operational standards relative to the operation of the academy.

This rule is intended to implement Iowa Code section 80B.13.

501—1.10(80B) Budget submitted to comptroller. The director, with the approval of the council, shall submit to the state comptroller, annually and in such form as required by Iowa Code chapter 8, estimates of its expenditure requirements. Estimates shall include the costs of administration, maintenance, and operation, and the cost of any proposed capital improvements or additional programs.

This rule is intended to implement Iowa Code section 80B.14.

501—1.11(17A,80B) Petition for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

[Filed 5/26/78, Notice 4/19/78—published 6/14/78, effective 7/19/78]

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[Filed emergency after Notice 5/18/84, Notice 2/1/84—published 6/6/84, effective 6/1/84]

[Filed 3/18/85, Notice 1/2/85—published 4/10/85, effective 5/15/85]

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[Filed emergency 11/1/85—published 11/20/85, effective 11/1/85]

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[Filed 2/20/87, Notice 10/22/86—published 3/11/87, effective 4/21/87]

[Filed 11/17/88, Notice 9/7/88—published 12/14/88, effective 1/18/89]

[Filed emergency 7/31/89—published 8/23/89, effective 7/31/89]

[Filed 10/19/89, Notice 8/23/89—published 11/15/89, effective 12/20/89]

[Filed 4/12/90, Notice 2/21/90—published 5/2/90, effective 6/6/90]

[Filed 7/13/90, Notice 5/2/90—published 8/8/90, effective 9/12/90]

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[Filed 3/24/93, Notice 12/9/92—published 4/14/93, effective 7/14/93]

[Filed emergency 12/27/95—published 1/17/96, effective 12/27/95]

[Filed 12/21/00, Notice 11/15/00—published 1/10/01, effective 2/14/01]

[Filed 8/26/04, Notice 6/9/04—published 9/15/04, effective 10/20/04]

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[Filed ARC 5006C (Notice ARC 4866C, IAB 1/15/20), IAB 3/25/20, effective 4/29/20]

[Filed ARC 5572C (Notice ARC 5402C, IAB 1/27/21), IAB 4/21/21, effective 5/26/21]

[Filed ARC 5860C (Notice ARC 5689C, IAB 6/16/21), IAB 8/25/21, effective 9/29/21]

[Filed ARC 6137C (Notice ARC 5962C, IAB 10/6/21), IAB 1/12/22, effective 2/16/22]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 7
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

501—7.1(17A,22) Definitions. As used in this chapter:

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

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the Iowa law enforcement academy, or a person lawfully delegated authority by the Iowa law enforcement academy to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

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

“*Record*” means the whole or a part of a public record as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.2(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.4(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.5(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.6(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.7(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.8(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.9(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.10(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.11(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.12(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

501—7.13(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in a records system as defined in rule 501—7.1(17A,22). Unless otherwise stated, the authority for the Iowa law enforcement academy to maintain the record is provided by Iowa Code chapter 80B, the statutes governing the subject matter of the record.

For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

7.13(1) Law enforcement officer personal files. The Iowa law enforcement academy is charged by Iowa Code chapter 80B to establish training and hiring standards and to certify individuals as law enforcement officers in the state of Iowa. Training records, law enforcement officer status, and personal questionnaires are necessary to accomplish the mandate of Iowa Code chapter 80B.

These personal files contain information about past and present law enforcement officers in the state. These files may contain hiring and termination information, personal questionnaires and status changes (required by rule 501—3.1(80B) and rule 501—3.2(80B)), medical information showing compliance with rule 501—2.1(80B) and rule 501—2.2(80B) as authorized by Iowa Code section 80B.11, criminal history data, restoration of citizenship records, pardon records, training records, test scores, disciplinary reports and evaluation reports prepared during recruit training, decertification requests, and investigative reports. These files may also contain published articles concerning an individual officer and other data relevant to a law enforcement officer's career in law enforcement. Some of these records may be confidential under Iowa Code section 22.7 or Iowa Code chapter 692. Law enforcement officer personal records are stored in paper or computerized form.

7.13(2) Decertification files. These files are maintained pursuant to Iowa Code section 80B.13(8). These files contain requests or inquiries made by hiring authorities concerning decertification of a person who is certified as a law enforcement officer in the state of Iowa. The Iowa law enforcement academy also has independent authority pursuant to Iowa Code section 80B.13(8) to revoke a law enforcement officer's certification for conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules adopted pursuant to Iowa Code section 80B.11(1) "h." These files may contain official administrative or court filings or records, investigative reports, criminal history data, and attorney-client work product concerning possible or impending litigation. Some of this information may be confidential under Iowa Code sections 17A.2 and 22.7, Iowa Code chapter 692, constitutional restraints, statute and the Code of Professional Responsibility. Except as previously noted, administrative hearing filings or records and court records or filings are public records. This information is stored in paper or computerized form.

7.13(3) 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 which 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 to obtain copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy. Copies of pleadings and other documents filed in litigation with the Iowa law enforcement academy may be obtained from the Iowa law enforcement academy during normal business hours as these documents are public records. These records are maintained in paper or computerized form.

7.13(4) *Personnel files.* The agency maintains files containing information about present and former employees, families and dependents, and applicants for positions with the agency. These files include payroll records, attendance records, psychological testing results, biographical information, background investigative reports and fingerprint checks, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code sections 22.7(7) and 22.7(11) and chapter 692.

7.13(5) *Library user files.* These files contain information on individuals who have checked out books, films, tapes, etc. from the Iowa law enforcement academy library. This information is confidential pursuant to Iowa Code section 22.7(13). This information is kept in paper or computerized form.

7.13(6) *Law enforcement class files.* These files contain information concerning individuals who have attended training classes established by the Iowa law enforcement academy. These files may contain grade information, class rosters, class schedules, class tests, photographs of class members, and disciplinary information. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized or paper form.

7.13(7) *Implied consent training files.* These files contain information concerning those officers who are certified to invoke implied consent pursuant to Iowa Code chapter 321J. These files are public records and are accessible during normal working hours. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized or paper form.

7.13(8) *Specialized instructor files.* These files contain information concerning individuals who have attended specialized training programs or through experience are qualified to instruct in specialized areas of law enforcement. These records may be retrieved by personal identifier or through class name. Some of this information may be confidential pursuant to Iowa Code section 22.7. These records are kept in computerized or paper form.

7.13(9) *Psychological testing.* These files contain information concerning a law enforcement applicant's test scores regarding cognitive and psychological tests mandated by Iowa Code section 80B.11(1) "g." In these files, other psychological examinations requested by hiring agencies are also stored by a personal identifier. Some of this information may be confidential pursuant to Iowa Code section 22.7(19). Law enforcement officers interested in the results of their psychological testing should contact the hiring agency that authorized the testing. This information is maintained in computerized or paper form.

7.13(10) *Contract file.* This file contains information concerning contracts between the Iowa law enforcement academy and outside agencies or individuals. Some of this information may be confidential pursuant to Iowa Code section 22.7(6). These records are kept in paper form or computerized form.

7.13(11) *Salary files.* These files contain information concerning financial data regarding payments made to permanent or temporary employees of the Iowa law enforcement academy. These records are maintained concurrently by the Iowa law enforcement academy, the Iowa department of administrative services, and the Iowa department of revenue. These records are kept in paper or computerized form.

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—7.14(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than a record system as defined in rule 501—7.1(17A,22). These records are routinely available to the public; however, the agency's files of these records may contain confidential information as discussed in rule 501—7.12(17A,22). The records listed may contain information about individuals. All records are stored on paper or in computer systems.

7.14(1) *Council records.* Agendas, minutes, and materials presented to the Iowa law enforcement academy council are available at the Iowa law enforcement academy, except those records concerning executive sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Council records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.5.

7.14(2) *Administrative records.* This includes documents concerning budget, property inventory, reservation and use of facility space, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions, and income sources such as psychological testing fees, petty cash, tuition, film rentals, and room rentals.

7.14(3) *Publications.* The office receives a number of books, periodicals, videotapes, films, newsletters, government documents, etc. Some of these records may be protected by copyright law. Many of these publications of general interest are available in the state law library.

7.14(4) *Rule-making records.* Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

7.14(5) *Office manuals.* Information in office manuals such as the instructor outlines or policy manuals may be confidential under Iowa Code section 17A.2(11) “f” or other applicable provision of law.

7.14(6) *Office publications.* The agency maintains statistical reports and other written documentation to educate the public about the Iowa law enforcement academy to be used in program planning and budget projections.

7.14(7) *Legislative files.* These files keep a record of bills being considered by the Iowa legislature each legislative session. These records are public records and can best be obtained by contacting the Iowa house or senate bill room at the state capitol.

7.14(8) *Research files.* These files are kept as working files to research and scrutinize different concerns particular to law enforcement and the academy’s training and rule-making obligations. Some of this information is confidential as attorney-client work product, as under Iowa Code section 17A.2 or 22.7, or other applicable provisions of law.

7.14(9) *All other records.* Records are open if not exempted from disclosure by law.

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—7.15(17A,22) Data processing systems. None of the data processing systems used by the agency compare personally identifiable information in one record system with personally identifiable information in another record system.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

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

[Filed emergency 6/9/88—published 6/29/88, effective 7/1/88]

[Filed 10/10/88, Notice 6/29/88—published 11/2/88, effective 12/7/88]

[Filed ARC 5006C (Notice ARC 4866C, IAB 1/15/20), IAB 3/25/20, effective 4/29/20]

[Filed ARC 6137C (Notice ARC 5962C, IAB 10/6/21), IAB 1/12/22, effective 2/16/22]

[Filed ARC 6264C (Notice ARC 6154C, IAB 1/26/22), IAB 3/23/22, effective 4/27/22]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 15

Reserved

CHAPTER 16

WAIVERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 17 to 2503

Reserved

LIVESTOCK HEALTH ADVISORY COUNCIL[521]

[Rules transferred from agency number[565] to [521]
to conform with the reorganization numbering scheme in general, IAC Supp 4/22/87]

CHAPTER 1

RECOMMENDATIONS

1.1(267)

Recommendation for fiscal year 1999-2000

CHAPTER 1 RECOMMENDATIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

521—1.1(267) Recommendation for fiscal year 1999-2000. The livestock health advisory council recommends that this appropriation for fiscal year 1999-2000 be applied in the following manner.

<u>ILHAC Projects Approved for 1999-2000</u>	
1. The role of immediate hypersensitivity in Haemophilus somnus-induced bovine respiratory disease	\$20,000
2. Investigation into the prevalence of H3N2 swine influenza virus infections in U.S. swine	\$20,000
3. Specific effect of PrP scrapie on types of brain cells	\$15,000
4. Gene discovery in veterinary mycoplasmal pathogens	\$20,000
5. Antigenic characterization of PRRS virus isolates associated with acute PRRS and vaccination failure	\$20,000
6. Prevention and control of turkey rhinotracheitis (TRT): development of an inactivated vaccine	\$18,000
7. Efficacy of a vaccine in control of Johne's disease in cattle	\$17,940
8. Potential effects of epizootic hemorrhagic disease on Iowa cattle	\$12,500
9. Treatment and prevention of cryptosporidiosis of calves: screening of potential anti-cryptosporidial compounds in mice and calves	\$20,000
10. Development of immunoprophylaxis for the prevention and control of bovine papillomatous digital dermatitis (hairly heel wart)	\$19,500
11. Are granulocyte adapted Salmonella vaccines host species specific?	\$15,920
12. Impact of sulfate, dissolved solids, iron, and other drinking water quality parameters to on-farm performance and health of dairy cattle in Iowa: implications for dairy industry	\$10,000
13. Assessing the role of porcine circovirus I postweaning multisystemic wasting syndrome (PMWS) using a case-control study	\$18,000
14. Bacteriological and serological survey of commercial chicken laying hens flocks for Ornithobacterium rhinotracheale	\$7,000
15. Mycoplasma hyopneumoniae: comparison of immunological responses to vaccination and/or challenge in pigs with or without maternal antibodies	\$18,000
16. Transformation of Mycoplasma bovis as an aid in identification of virulence factors	\$15,000
<u>Contingency Funds</u>	<u>\$10,713</u>
<u>Total</u>	<u>\$277,573</u>

This chapter is intended to implement Iowa Code subsection 267.5(3).

[Filed emergency 7/5/77—published 7/26/77, effective 7/11/77 to 1/16/78]

[Filed emergency after Notice 6/28/78, Notice 5/3/78—published 7/26/78, effective 6/28/78]

[Filed 7/5/79, Notice 4/4/79—published 7/25/79, effective 8/29/79]

[Filed 6/23/80, Notice 4/30/80—published 7/23/80, effective 9/1/80]

[Filed 7/2/81, Notice 5/13/81—published 7/22/81, effective 9/15/81]

[Filed 7/13/82, Notice 4/28/82—published 8/4/82, effective 9/8/82]

[Filed 6/14/83, Notice 4/13/83—published 7/6/83, effective 8/10/83]

[Filed 6/29/84, Notice 5/23/84—published 7/18/84, effective 8/22/84]

[Filed 7/23/85, Notice 6/5/85—published 8/14/85, effective 9/18/85]

[Filed 7/23/86, Notice 6/18/86—published 8/13/86, effective 9/17/86]

[Filed 11/30/87, Notice 5/6/87—published 12/16/87, effective 1/20/88]

[Filed 12/6/88, Notice 6/1/88—published 12/28/88, effective 2/1/89]

[Filed 10/3/89, Notice 5/3/89—published 11/1/89, effective 12/6/89]

[Filed 9/12/90, Notice 5/30/90—published 10/3/90, effective 11/7/90]

[Filed 10/4/91, Notice 5/29/91—published 10/30/91, effective 12/4/91]

[Filed 7/14/93, Notice 4/14/93—published 8/4/93, effective 9/8/93]

[Filed 8/25/94, Notice 4/27/94—published 9/14/94, effective 10/19/94]

[Filed 8/4/95, Notice 4/26/95—published 8/30/95, effective 10/4/95]

[Filed 8/7/98, Notice 5/20/98—published 8/26/98, effective 9/30/98]

[Filed 7/9/99, Notice 6/2/99—published 7/28/99, effective 9/1/99]

MANAGEMENT DEPARTMENT[541]

[Created by 1986 Iowa Acts, chapter 1245, section 103]

Divisions under this “umbrella” include: Appeal Board, State[543], City Finance Committee[545],
and County Finance Committee[547].

CHAPTER 1

ORGANIZATION AND OPERATION

1.1(8)	Purpose
1.2(8)	Scope of the rules
1.3	Reserved
1.4(8)	Duties of the department
1.5(8)	Definitions
1.6(8)	Central office and communications

CHAPTERS 2 to 7

Reserved

CHAPTER 8

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

8.1(17A,22)	Definitions
8.2 to 8.14	Reserved
8.15(17A,22)	Other records

CHAPTERS 9 and 10

Reserved

CHAPTER 11

GRANTS ENTERPRISE MANAGEMENT SYSTEM

11.1(8)	Purpose
11.2(8)	Definitions
11.3(8)	GEMS coordinator
11.4(8)	Grants network
11.5(8)	GEMS competitive grants review system

CHAPTER 12

DAS CUSTOMER COUNCIL

12.1(8)	Definitions
12.2(8)	Purpose
12.3(8)	Utility determination
12.4(8)	DAS customer council established
12.5(8)	DAS customer council membership
12.6(8)	Organization of DAS customer council
12.7(8)	Powers and duties of DAS customer council
12.8(8)	Customer input
12.9(8)	Annual service listing

CHAPTER 13

SUSPENSION AND REINSTATEMENT OF STATE FUNDS

13.1(27A)	Definitions
13.2(27A)	Denial of state funds
13.3(27A)	Reinstatement of eligibility to receive state funds

CHAPTER 1 ORGANIZATION AND OPERATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/14/29

541—1.1(8) Purpose. This chapter describes the organization and operation of the department of management (department), including the coordination of policy planning, management of interagency programs, economic reports and program development.

[ARC 7494C, IAB 1/10/24, effective 2/14/24]

541—1.2(8) Scope of the rules. The rules for the department are promulgated under Iowa Code chapter 8 and apply to all matters before the department. No rule, in any way, relieves a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various divisions of the department, from any duty under the laws of this state.

[ARC 7494C, IAB 1/10/24, effective 2/14/24]

541—1.3(8) Waiver. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—1.4(8) Duties of the department. The department plans, develops, and recommends policy decisions for management of state government; administers local budget laws (cities, counties, and schools); oversees and ensures compliance with affirmative action; implements policies through coordination and budget processes; and monitors and evaluates the consistent, efficient, and effective operation of state government. The department consists of budgeting, planning, and early childhood operations and the following agencies or boards: state appeal board, city finance committee, county finance committee, and early childhood Iowa state board.

[ARC 7494C, IAB 1/10/24, effective 2/14/24]

541—1.5(8) Definitions.

“*City budget*” means the budget adopted by city officials that incorporates specified requirements as stated in Iowa Code section 384.16.

“*Contract compliance director*” means the individual designated to oversee and impose sanctions in connection with state programs emphasizing equal opportunity through affirmative action, contract compliance, policies, and procurement set-aside requirements.

“*County budget*” means the budget adopted by the board of supervisors pursuant to Iowa Code chapter 331.

“*Department*” means the department of management.

“*Director*” means the director of the department of management as appointed by the governor and subject to senate confirmation.

1.5(1) State appeal board—fees. The state appeal board considers the protests of local government budgets, as well as all general and tort claims against the state, as interpreted by the three members: treasurer of state, auditor of state and director of the department of management. Department of management staff implement proper procedures as directed by the state appeal board as assigned by Iowa Code chapter 24. The processing fee for filing a general claim with the state appeal board is \$5, which is billed and paid quarterly by the state agency that incurred the liability of the claim. This fee is not reimbursable from the vendor to the state agency.

1.5(2) City finance committee. The city finance committee promulgates rules relating to city budget amendments, establishes guidelines for the capital improvement program, reviews and comments on city budgets and conducts studies of municipal revenues and expenditures as specified in Iowa Code section 384.13.

1.5(3) County finance committee. The county finance committee establishes guidelines for program budgeting and accounting, reviews and comments on county budgets, and conducts studies of county

revenues and expenditures. In addition, the committee performs other duties as assigned by law pursuant to Iowa Code section 333A.4.

[ARC 7494C, IAB 1/10/24, effective 2/14/24]

541—1.6(8) Central office and communications. Correspondence and communications with the department, state board of appeals, county finance committee, or city finance committee are to be addressed or directed to the department's office located at Department of Management, State Capitol Room 13, 1007 East Grand Avenue, Des Moines, Iowa 50319-0015; telephone 515.281.3322.

[ARC 7494C, IAB 1/10/24, effective 2/14/24]

These rules are intended to implement Iowa Code sections 8.6 and 25.1.

[Filed 10/1/87, Notice 5/20/87—published 10/21/87, effective 11/25/87]

[Filed 9/27/88, Notice 5/4/88—published 10/19/88, effective 11/23/88]

[Filed emergency 8/9/93—published 9/1/93, effective 8/9/93]

[Filed emergency 10/8/93—published 10/27/93, effective 10/8/93]

[Filed 1/3/05, Notice 11/24/04—published 2/2/05, effective 3/9/05]

[Filed ARC 1371C (Notice ARC 1124C, IAB 10/16/13), IAB 3/19/14, effective 4/23/14]

[Filed ARC 7494C (Notice ARC 7113C, IAB 11/15/23), IAB 1/10/24, effective 2/14/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTERS 2 and 3
Reserved

CHAPTER 4
CONTRACT COMPLIANCE
Rescinded **ARC 2500C**, IAB 4/27/16, effective 6/1/16

CHAPTER 5
PETITIONS FOR RULEMAKING
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
DECLARATORY ORDERS
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
AGENCY PROCEDURE FOR RULEMAKING
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/14/29

541—8.1(17A,22) Definitions. As used in this chapter:

“*Agency*.” In lieu of “(official or body issuing these rules)”, insert “department of management”.

“*Nonincidental retrieval or supervisory service*” means services provided to persons requesting access to public documents by the department’s staff (or staff from the department of administrative services), and where such retrieval or supervisory services exceed 20 hours of total staff time.

“*Nonproprietary records*” means those records that are in the possession of the department but that are generated for the purposes of other units of government.

“*Public record*” means a record as defined in Iowa Code section 22.1. A public record includes both confidential and open records.

[ARC 7498C, IAB 1/10/24, effective 2/14/24]

541—8.2(17A,22) Public record retention and access. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

541—8.14 Reserved.

541—8.15(17A,22) Other records. The agency maintains a variety of records that do not generally contain information pertaining to named individuals. The agency maintains the following records, not heretofore listed, which do not generally contain personally identifiable or confidential information: annual reports; press releases; budget information (following presentation by the governor); receipt statements; revenue information; newsletters; public meeting agendas and minutes; budget information relating to cities, counties or school districts; state revenue forecasts; policy information as recommended to the governor; progress review materials and targeted small business compliance reports.

[ARC 7498C, IAB 1/10/24, effective 2/14/24]

541—8.16(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 8/19/88 after Notice 6/15/88—published 9/7/88, effective 8/19/88]

[Filed 1/3/05, Notice 11/24/04—published 2/2/05, effective 3/9/05]

[Filed ARC 1371C (Notice ARC 1124C, IAB 10/16/13), IAB 3/19/14, effective 4/23/14]

[Filed ARC 7498C (Notice ARC 7117C, IAB 11/15/23), IAB 1/10/24, effective 2/14/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

APPEAL BOARD, STATE[543]

Rules transferred from agency number 60 to 543 under the “umbrella” of Management Department pursuant to 1986 Iowa Acts, chapter 1245, section 107

**CHAPTER 1
GENERAL PROVISIONS**

- 1.1(669) Definitions
- 1.2(17A) Organization
- 1.3(669) Meetings of the board

**CHAPTER 2
TORT CLAIMS**

- 2.1(669) Form of claims
- 2.2(669) Content
- 2.3(669) Attorney general
- 2.4(669) Notification
- 2.5(669) Release
- 2.6(669) Acceptance
- 2.7(669) Warrant
- 2.8(669) Withdrawal

**CHAPTER 3
GENERAL CLAIMS**

- 3.1(25) Claims
- 3.2(25) Content
- 3.3(25) Investigation
- 3.4(25) Notification
- 3.5(25) Warrant
- 3.6(25) Withdrawal

**CHAPTER 4
BUDGET APPEALS**

- 4.1(24) Budget appeals
- 4.2(24) Inquiries
- 4.3(24) Filings
- 4.4(24) Scheduling and notice of hearings
- 4.5(24) Hearings
- 4.6(24) Decision
- 4.7(24) Amendments

**CHAPTERS 5 to 2505
Reserved****CHAPTER 2506
CONTESTED CASES**

- 2506.1(17A) Scope and applicability

CHAPTER 5
UNIFORM RULES

[Prior to 5/4/88, see Appeal Board, State[60] Ch 5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 9700C**, IAB 11/12/25, effective 12/17/25

CHAPTER 7
AGENCY PROCEDURE FOR RULE MAKING
Rescinded **ARC 9700C**, IAB 11/12/25, effective 12/17/25

CHAPTERS 8 to 2505
Reserved

CITY FINANCE COMMITTEE[545]

Rules transferred from agency number 230 to 545 under the “umbrella” of Management Department[541] pursuant to 1986 Iowa Acts, chapter 1245, section 118.

CHAPTER 1

OPERATIONS OF CITY FINANCE COMMITTEE

1.1(384)	Purpose
1.2(384)	Definitions
1.3(384)	Membership
1.4(384)	Organization and administration
1.5(384)	Compensation
1.6(384)	Meeting
1.7(384)	Office location
1.8(384)	Quorum and majority vote
1.9(384)	Order of business

CHAPTER 2

BUDGET AMENDMENTS AND FUND TRANSFERS

2.1(384,388)	Appropriation of unanticipated amount
2.2(384,388)	Transfers between programs
2.3(384,388)	Transfers within programs
2.4(384,388)	Fund transfers

CHAPTER 3

BUDGET FORMS

3.1(384)	Budget forms

CHAPTER 4

EMPLOYEE BENEFITS

4.1(384)	Definition
4.2(384)	Mandatory procedures
4.3(384)	Optional procedures
4.4(384)	Budgeting—other than general fund and road use tax fund

CHAPTERS 5 to 7

Reserved

CHAPTER 8

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

8.1(17A,22)	Definitions
8.3 to 8.13	Reserved
8.14(17A,22)	Personally identifiable information
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CHAPTER 5

LAW ENFORCEMENT OFFICER TRAINING REIMBURSEMENT

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6

TAX RATE SUSPENSION APPEAL

[Prior to 11/30/88, see City Finance Committee[230] Ch 5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7

AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

545—8.1(17A,22) Definitions. As used in this chapter:

“*Agency.*” In lieu of the words “(official or body issuing these rules)”, insert “city finance committee”. As used in these rules, unless the context otherwise requires, “Committee” means the city finance committee and “director” means the director of the department of management.

545—8.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

545—8.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

545—8.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

545—8.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

545—8.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

545—8.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

545—8.14(17A,22) Personally identifiable information. The city finance committee does not maintain any records that could be considered personally identifiable.

545—8.15(17A,22) Data processing systems. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

545—8.16(17A,22) Other records. The committee maintains a variety of records which do not generally contain information pertaining to named individuals. The committee maintains the following records, not heretofore listed, which do not generally contain personally identifiable or confidential information: minutes from the committee meetings, law enforcement officer training reimbursements, special reports and studies, appeals from denied requests for permission to exceed statutory levy limits.

545—8.17(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 8/19/88 after Notice 6/29/88—published 9/7/88, effective 8/19/88]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

COUNTY FINANCE COMMITTEE[547]

Rules transferred from agency number 292 to 547 under the “umbrella” of Management Department pursuant to 1986 Iowa Acts, chapter 1245, section 116.

CHAPTER 1 GENERAL PROVISIONS

1.1(333A)	Definitions
1.2(333A)	Organization and administration
1.3(333A)	Meetings
1.4(333A)	Secretary’s duties
1.5(333A)	Compensation
1.6(333A)	Studies and reports
1.7(333A)	County budgets
1.8(333A)	Annual financial reports

CHAPTER 2 ORGANIZATION AND ADMINISTRATION

2.1(333A)	Description
2.2(333A)	Meetings
2.3(333A)	Secretary’s duties
2.4(333A)	Compensation

CHAPTERS 3 to 8 Reserved

CHAPTER 9 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

9.1(17A,22)	Definitions
9.3 to 9.13	Reserved
9.14(17A,22)	Personally identifiable information
9.15(17A,22)	Data processing system
9.16(17A,22)	Other records

CHAPTER 2
ORGANIZATION AND ADMINISTRATION
[Prior to 5/4/88, see County Finance Committee[292] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

547—2.1(333A) Description.

2.1(1) Purpose. The purpose of the county finance committee is to administer the provisions of Iowa Code section 333A.2 and to make recommendations to the governor, the general assembly and county officials concerning county budgets and finance.

2.1(2) Membership. The selection, appointment and approval of the county finance committee members are made as provided in Iowa Code section 333A.2. Upon a vacancy on the committee the chairperson shall notify either the governor or legislative council that a new appointment is required.

2.1(3) Officers. The officers of the committee shall consist of chairperson, vice chairperson and secretary.

2.1(4) Subcommittees. The committee may establish temporary subcommittees to research and investigate items of business for the committee. These rules shall govern the deliberations of the subcommittee where applicable. Subcommittee members shall be appointed by the chairperson in conformity to Robert's Rules of Order. Subcommittee members need not be members of the committee. They shall be reimbursed for expenses in the same manner as committee members.

2.1(5) Office location. The director of the office of management shall provide office space, staff assistance and necessary supplies and equipment as provided by law. The Office of Department of Management, State Capitol, Des Moines, Iowa 50319 shall be the official address of the committee.

547—2.2(333A) Meetings.

2.2(1) Organizational meeting. The organizational meeting of the committee shall be held at the call of and at a place designated by the chairperson. The officers shall be elected at such time to serve until their successors are elected.

2.2(2) Other meetings. Meetings may be called by the chairperson of the committee or by joint call of a majority of its members. One week's notice shall be given for such meetings and the notice shall designate the time and place of the meeting.

2.2(3) Conduct of meetings. Meetings of the committee shall be conducted in accordance with Robert's Rules of Order insofar as not incompatible with the laws of the state of Iowa governing this committee or its own resolutions as to its conduct. A quorum shall consist of five members of the committee. A minimum of five affirmative votes shall be required to adopt a motion except to adjourn. The secretary shall record the vote of each member of the committee indicating if the vote was an aye, no or abstention.

547—2.3(333A) Secretary's duties.

2.3(1) Notice of meeting. The secretary shall give advance notice of time and place of each meeting. Such notice must be in accordance with section 28A.4. At least one week prior to the date of a meeting, the secretary shall prepare a tentative agenda for the next meeting of the committee and must distribute this tentative agenda to the persons listed on a mailing list approved by the committee. This agenda shall also list the date, time and place of meeting.

2.3(2) Meeting minutes. The secretary shall keep minutes of all proceedings of each meeting. The minutes will constitute the official record of all actions of the committee. Following each meeting, the secretary shall duplicate the minutes and distribute them to the persons on the approved mailing list.

2.3(3) Secretary pro tem. If the secretary is absent from a committee meeting, the chairperson shall appoint a member of the committee or its staff to act as secretary pro tem.

2.3(4) Mailing list. The secretary shall provide to the committee members a current list of committee members including the members' addresses, telephone numbers and terms of office.

547—2.4(333A) Compensation.

2.4(1) Committee members are to be compensated as provided in Iowa Code section 333A.3.

2.4(2) Reserved.

547—2.5(333A) Adoption, amendment and repeal of administrative rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—2.6(333A) Petition for adoption, amendment or repeal of a rule. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 333A.2.

[Filed 10/31/79, Notice 9/19/79—published 11/28/79, effective 1/2/80]

[Filed emergency 4/15/88—published 5/4/88, effective 4/15/88]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 3
STUDIES AND REPORTS

[Prior to 5/4/88, see County Finance Committee[292] Ch 3]
Rescinded **ARC 0007D**, IAB 1/21/26, effective 2/25/26

CHAPTER 4
COUNTY BUDGETS

[Prior to 5/4/88, see County Finance Committee[292] Ch 4]
Rescinded **ARC 0008D**, IAB 1/21/26, effective 2/25/26

CHAPTER 5
ANNUAL FINANCIAL REPORTS

[Prior to 5/4/88, see County Finance Committee[292] Ch 5]
Rescinded **ARC 0009D**, IAB 1/21/26, effective 2/25/26

CHAPTER 6
PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8
AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
PUBLIC RECORDS AND FAIR
INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

547—9.1(17A,22) Definitions. As used in this chapter:

“*Agency.*” In lieu of the words “(official or body issuing these rules)”, insert “county finance committee”. As used in these rules, unless the context otherwise requires, “committee” means the county finance committee and “director” means the director of the department of management.

547—9.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—9.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—9.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—9.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—9.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—9.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

547—9.14(17A,22) Personally identifiable information. The county finance committee does not maintain any records that could be considered personally identifiable.

547—9.15(17A,22) Data processing system. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

547—9.16(17A,22) Other records. The committee maintains a variety of records which do not generally contain information pertaining to named individuals. The committee maintains the following records, not heretofore listed, which do not generally contain personally identifiable or confidential information: minutes from the committee meetings, guidelines for program budgeting and accounting and preparation of capital improvement plans, studies of county revenues and expenditures, and advice and recommendations to the governor, annually.

547—9.17(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 8/19/88 after Notice 6/29/88—published 9/7/88, effective 8/19/88]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

NATURAL RESOURCES DEPARTMENT[561]

Created by 1986 Iowa Acts, chapter 1245, section 1802
Rules of divisions under this Department “umbrella” include Environmental
Protection Commission[567] and Natural Resource Commission[571]

CHAPTERS 1 to 7

Reserved

CHAPTER 8

CONTRACTS FOR SERVICES AND PUBLIC IMPROVEMENTS

- 8.1(8A) Contract policy
- 8.2(8A,26,455B,573) Contracts for public improvements
- 8.3(8A,455A) Contracts for services
- 8.4(456A) Contracts for sale of timber

CHAPTER 9

GROUNDWATER HAZARD DOCUMENTATION

- 9.1(558) Authority, purpose and application
- 9.2(558) Form

CHAPTERS 10 and 11

Reserved

CHAPTER 12

SPECIAL NONRESIDENT DEER AND TURKEY LICENSES

- 12.1(483A) Purpose
- 12.2(483A) Definitions
- 12.3(483A) Availability of special licenses
- 12.4(483A) Coordinator duties
- 12.5(483A) Request, review, and selection process for promotional special licenses
- 12.6(483A) Consideration of requests for promotional special licenses
- 12.7(483A) Ranking criteria for promotional special licenses
- 12.8(483A) License term for promotional special licenses
- 12.9(483A) Reporting by recipients of promotional special licenses
- 12.10(483A) License costs for promotional special licenses
- 12.11(483A) Request, review, and selection processes for special licenses for nonresident disabled veterans or disabled members of the armed forces
- 12.12(483A) License term for disabled veteran and military special licenses
- 12.13(483A) License costs for disabled veteran and military special licenses

CHAPTER 13

STATE LANDS VOLUNTEER PROGRAM

- 13.1(461A) Definitions
- 13.2(461A) Registration
- 13.3(461A) Review
- 13.4(461A) Department decision
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CHAPTER 14

Reserved

CHAPTER 15

REVOCATION, SUSPENSION, AND NONRENEWAL OF LICENSE FOR FAILURE TO PAY STATE LIABILITIES

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- 15.2(272D) Definitions
- 15.3(272D) Requirements of the department
- 15.4(272D) No administrative appeal of the department’s action; district court hearing

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STATE PARK AND RECREATION AREA FEES

16.1(455A)	Definitions
16.2(455A)	Camping, rental facilities, vessel storage, and other special privileges—fees
16.3(455A)	Areas under management—varying fees

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17.1(458A)	Purpose
17.2(458A)	Definitions
17.3(458A)	Permit to drill, deepen or plug a well
17.4(458A)	Transfer of drilling permits
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17.6(458A)	Drilling
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17.8(458A)	Surface equipment
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17.11(458A)	Producing from different pools through the same casing string or multiple completion of wells
17.12(458A)	Commingling of production prohibited
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CHAPTER 2505
FAIR INFORMATION PRACTICES

2505.5(17A,22)	Confidential records
2505.9(17A,22)	Personally identifiable information
2505.10(17A,22)	Other groups of records

CHAPTER 2506
CONTESTED CASES

2506.4(17A)	Electronic requests for contested case proceeding

CHAPTER 1
DESCRIPTION OF ORGANIZATION
Rescinded **ARC 9432C**, IAB 7/23/25, effective 8/27/25

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded **ARC 0433D**, IAB 7/8/26, effective 6/18/26

CHAPTER 3
SUBMISSION OF INFORMATION AND
COMPLAINTS—INVESTIGATIONS
Rescinded **ARC 9432C**, IAB 7/23/25, effective 8/27/25

CHAPTER 4
AGENCY PROCEDURE FOR RULE MAKING
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PETITIONS FOR RULE MAKING
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
DECLARATORY ORDERS
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
RULES OF PRACTICE IN CONTESTED CASES
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 10

WAIVERS FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11

THE IOWA NATURE STORE

Rescinded **ARC 9437C**, IAB 7/23/25, effective 8/27/25

CHAPTERS 18 to 99
Reserved

CHAPTER 100
Transferred to Public Defense[650] IAB 7/29/87

CHAPTER 101
Transferred to Public Defense[650] IAB 7/29/87

CHAPTERS 102 to 2504
Reserved

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/31

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.

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

561—2505.5(17A,22) Confidential records. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order. Unless deemed as a confidential record or considered as a confidential record by Iowa Code section 22.7, all records are considered public and routinely disclosed without the consent of the subject.

2505.5(1) *Persons who may request.* Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order authorizes the custodian to treat the record as a confidential record may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

2505.5(2) *Request.* A written request that a record be treated as a confidential record and be withheld from public inspection should be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record. The request should include two copies of the record in question: one copy of the record with all information provided and a second copy of the record with the information being requested confidential deleted from the record.

2505.5(3) *Timing of decision.* A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed or when the custodian receives a request for access to the record by a member of the public.

2505.5(4) *Request granted or deferred.* If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

2505.5(5) *Request denied and opportunity to seek injunction.* If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian will notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8 or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian will notify the requester in writing of the time period allowed to seek injunctive relief or the reason for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received; if a court directs the custodian to treat it as a confidential record, to the extent permitted by another applicable provision of law; or with the consent of the person requesting access.

2505.5(6) *Processing of confidentiality claims.* In order to request a record be held confidential with the department, the party will comply with the following provisions:

a. Applicability/availability. Businesses that provide information to the department in applications, reports or otherwise in recorded form, or from or about which information is obtained and recorded by the department, may request that information not be disclosed to others for reasons of business confidentiality. Until such time as a request for confidentiality is received by the department, all information will be available to the public. If a claim is received after the information itself is received, the department will make such efforts as are administratively practicable to associate the claim with all copies of the previously received information. However, the department cannot ensure that such efforts will be effective in light of the possibility of prior disclosure or dissemination of the information beyond the department's reasonable control.

b. Confidentiality request process. An entity that submits information to the department may assert a confidentiality claim in accordance with the following process:

(1) Attach a cover sheet indicating the entity is seeking the information to be held confidential. The submission will include a letter of substantiation with the information required by paragraph 2505.5(6) "c."

(2) File two copies of the information: one copy with all information present and a second copy with the information for which the party wishes to claim confidential treatment deleted from the document.

c. Contents of claim. All claims for confidentiality must be substantiated with the following information in a letter attached to the proposed confidential document:

(1) A statement of all measures the business has taken to protect the confidentiality of the information and a statement of intent to continue to take such measures;

(2) Practices and policies of other businesses, if known, regarding confidentiality of similar information;

(3) A statement that the information is not, and has not been, reasonably attainable without the consent of the business by other persons other than government bodies by use of legitimate means;

(4) A statement demonstrating that disclosure of the information is likely to cause substantial harm to the business's competitive position;

(5) A reference to any other determinations of confidential status of the information or similar information.

d. Initial action by department. All claims will be reviewed for completeness and applicability of subrule 2505.5(8). If the claim does not include the substantiation required by paragraph 2505.5(6) "c," or if the claim relates to information within subrule 2505.5(8), the business making the claim will be notified by certified mail. If the substantiation or comment regarding the inapplicability of subrule 2505.5(8) is not received by the department within ten days of the date on the return receipt, the department will place the information in the public file. Otherwise, all information claimed to be confidential will be treated as such by the department until further notice.

e. Substantive criteria for use in confidentiality determinations. Prior determinations by the courts, the department, or other agencies on the information or similar information will be given due consideration and effect. Determinations will hold that business information is entitled to confidential treatment for the benefit of a particular person if:

(1) The business has taken and intends to continue to take reasonable measures to protect the confidentiality of the information;

(2) The information is not readily obtainable by others by legitimate means;

(3) The claim is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

(4) No statute or rule specifically requires disclosure of the information; and

(5) There is a substantial likelihood that disclosure of the information would cause substantial harm to the competitive position of the business.

f. Determination. The department will transmit its determination regarding a claim for business confidentiality to the claimant by certified mail, notifying the claimant of the opportunity to provide comments within ten days subject to reasonable extension upon written request, and that failure to comment will be construed to indicate agreement with the preliminary determination. If the determination is in response to a request for disclosure, the person requesting the disclosure will be sent a similar notice

in the same manner within ten days of the request. If any substantial comments are received, the final decision will be made by the director or designee. If no substantial comments are received, the preliminary determination becomes the final decision.

g. All procedures within this rule will not be considered contested case proceedings as provided in Iowa Code chapter 17A.

2505.5(7) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids;
- b. Tax records made available to the department;
- c. Records that are exempt from disclosure under Iowa Code section 22.7;
- d. Minutes of closed meetings of a government body;
- e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets;
- f. Those portions of the department's staff manuals, instructions, or other statements issued that set forth criteria or guidelines to be used by staff in auditing; in making inspections; in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
- (2) Facilitate disregard of requirements imposed by law; or
- (3) Give a clearly improper advantage to persons who are in an adverse position to the department;

g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa R.C.P. 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

2505.5(8) Not confidential. Notwithstanding any other provision, the following information will not be considered confidential by the department:

a. Emission data. For purposes of this subrule, "emission data" means the following, with reference to any source of emission of any substance into the air:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions that, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

b. Analytical results of monitoring or public water supply systems;

c. Name and address of any permit applicant; and

d. NPDES permits, applications (including any information required by NPDES application forms), and effluent data. For purposes of this subrule, "effluent data" means the following, with reference to any source of discharge of any pollutant:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant that has been emitted by the source (or of any pollutant resulting from any discharge from the source) or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants that, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(3) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

561—2505.9(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the department of natural resources by personal identifier in record systems. For the purposes of this rule, “record system” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. Records maintained by the department of natural resources, the environmental protection commission, and the natural resource commission are in accordance with guidelines as set forth by the state records commission’s file system. An updated index is maintained by the department and is available for public inspection. Records are collected pursuant to authorities contained in Iowa Code title XI. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications. Department of natural resources and natural resource commission records may include but are not limited to the following:

2505.9(1) Department of natural resources.

a. Administration, organization, and management.

- (1) Organization and management.
- (2) Planning and programming.
- (3) Administrative reports.
- (4) Insurance and bonding.
- (5) Departmental emergency planning.
- (6) Correspondence and reference materials.
- (7) Information and public relations.

b. Budgets, accounting and financial analysis.

- (1) Budget information.
- (2) Accounting.
- (3) Cost accounting.

c. Office services and facilities management.

- (1) Communications.
- (2) Printing and reproduction.
- (3) Records management.
- (4) Motor pool operations.
- (5) Facilities management.
- (6) Engineering and construction.

d. Equipment, supplies, and services.

- (1) Procurement.
- (2) Property accountability.

e. Legislative and legal.

- (1) Department legislative liaison.
- (2) Bills, joint resolutions, amendments, messages, and reports.
- (3) Federal government.
- (4) Administrative procedures.
- (5) Attorney general opinions and research materials.
- (6) Claims against the state.

(7) Lawsuits filed by the state.

(8) 28E agreements.

f. Personnel and payroll.

(1) Employee personnel/payroll files.

(2) Merit rules.

(3) Payroll administration.

(4) Position classification.

(5) Preemployment.

(6) Certification and selection.

(7) Scheduling, assignments, and working hours.

(8) Grievances.

(9) Training and education.

(10) Employee benefits and welfare.

(11) Employment relations.

(12) Equal employment opportunity.

(13) Management improvement programs.

(14) Delegation of authority and signature authorization.

g. Conservation and environment.

(1) Geology.

1. Surface and groundwater monitoring.

2. Natural resources geographic information system (GIS) library.

3. Oil/gas exploration and drilling.

(2) Water conservation.

(3) Land conservation.

(4) Soil conservation.

(5) Forestry management.

(6) Fish and game conservation.

(7) Recreation.

(8) Environmental technology.

(9) Air quality monitoring.

(10) Water quality monitoring.

(11) Land quality monitoring.

(12) Hazardous material planning.

1. Hazardous waste management.

2. Underground storage tanks.

3. Leaking underground storage tanks.

(13) Radioactive materials.

(14) Environmental—interdisciplinary.

2505.9(2) Natural resource commission.

a. Tort claims investigations.

b. Numerous licensing files.

c. Lifetime licenses.

d. Boat registrations.

e. Docks, mooring, buoys or raft registrations.

f. Snowmobile registrations.

g. Miscellaneous mailing list (e.g., magazine).

h. Payroll and personnel information system.

i. Fur buyer reports.

j. Fish and game violations.

k. Safety certified students (hunter safety, snowmobile safety, and boating safety).

l. Special events applications and permits.

- m.* Snowmobile accident reports.
- n.* Boating accident reports.
- o.* Drowning reports.
- p.* Timber buyer reports and bonds.
- q.* Work programs with Iowa State University.
- r.* Timber management and forestry.
- s.* State park ranger violation reports.
- t.* Incident reports.
- u.* Donations.
- v.* Real estate acquisition.
- w.* Encroachments.
- x.* Campground host program.
- y.* Law enforcement intelligence network (LEIN) and turn in poachers (TIP).
- z.* Park leases and concessions.

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

561—2505.10(17A,22) Other groups of records. This rule describes groups of records maintained by the department of natural resources other than record systems as defined in rule 561—2505.9(17A,22). These records are routinely available to the public. However, the department's files of these records may contain confidential information. In addition, some records may contain information about individuals. Records are stored on paper; microfilm; microfiche; and, in some cases, automated data processing systems, such as electronic management systems and department web applications.

2505.10(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

2505.10(2) Commission records. Agendas, minutes, and materials presented to the environmental protection commission and the natural resource commission are available from the office of the director, except these records concerning closed sessions that are confidential under Iowa Code section 21.5(5). Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) Publications. News releases, annual reports, Iowa Outdoors magazine, project reports, agency newsletters, etc., are available from the department offices for public information. Brochures describing various department programs are available at local offices of the department. Department news releases, project reports, Iowa Outdoors magazine, and newsletters may contain information about individuals, including department staff or members of the commission or committees.

2505.10(4) Statistical reports. Periodic reports for various department programs are available from the department offices for public information.

2505.10(5) Grants or loans. Records on persons and institutions receiving grants or loans are available through the institutions, also for public information. The records may contain information about employees of a grantee.

2505.10(6) Published materials. The department of natural resources uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) Policy manuals. The department of natural resources employees' manual, containing the policies and procedures for programs administered by the department, is available in every office of the department. Policy manuals do not contain information about individuals.

2505.10(8) All other records that are not exempted from disclosure by law. The department maintains a variety of records that do not generally contain information pertaining to named individuals.

[ARC 0433D, IAB 7/8/26, effective 6/18/26]

[Filed Emergency ARC 0433D, IAB 7/8/26, effective 6/18/26]

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/31

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.

[ARC 0432D, IAB 7/8/26, effective 6/18/26]

561—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, within 60 days.

[ARC 0432D, IAB 7/8/26, effective 6/18/26]

[Filed Emergency ARC 0432D, IAB 7/8/26, effective 6/18/26]

ENVIRONMENTAL PROTECTION COMMISSION[567]

Former Water, Air and Waste Management[900], renamed by 1986 Iowa Acts, chapter 1245,
Environmental Protection Commission under the “umbrella” of the
Department of Natural Resources.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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[Prior to 9/7/88, see Water, Air and Waste Management[900] Ch 7]
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12
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Rescinded **ARC 7943C**, IAB 5/15/24, effective 6/19/24

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 14
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Rescinded **ARC 7946C**, IAB 5/15/24, effective 6/19/24

CHAPTER 69
PRIVATE SEWAGE DISPOSAL SYSTEMS

[Prior to 7/1/83, Health Dept. Ch 12]

[Prior to 11/19/86, Water, Air and Waste Management[900] Ch 69]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/12/31

567—69.1(455B) General.

69.1(1) *Applicability.* These rules are applicable only to private sewage disposal systems (PSDSs).

69.1(2) *Definitions.* In addition to the definitions, references, and abbreviations in 567—Chapter 60, the following definitions shall apply to this chapter:

“*Administrative authority*” means the department or the local county board of health as authorized by Iowa Code section 455B.172 and chapter 137.

“*Approved*” means accepted or acceptable under an applicable specification stated or cited in these rules or accepted by the administrative authority as suitable for the proposed use.

“*Area drain*” means a drain installed to collect surface or storm water from an open area of a building or property.

“*At-grade system*” means a pressurized soil absorption system constructed at or near a primary treatment unit or a secondary treatment system.

“*Building drain*” means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

“*Building sewer*” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of a PSDS conveying the drainage of a building site.

“*Chamber system*” means a buried structure, typically with a domed or arched top, providing at least a six-inch height of sidewall soil exposure creating a covered open space above a buried soil infiltrative surface.

“*Confining layer*,” also known as “limiting condition,” means solid or fractured bedrock, seasonally high groundwater level, any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall one inch, or any other factor (natural or manmade) that does not provide the 36-inch depth separation required for soil absorption.

“*Conventional*,” when used in reference to sewage treatment, means a soil absorption system involving a series of two- to three-foot-wide trenches filled with gravel, containing a four-inch diameter rigid pipe or other alternative trench technologies to convey the sewage effluent. Gravel aggregate, chamber, and EPS aggregate systems are considered conventional soil absorption systems.

“*Distribution box*” means a device designed to accomplish the equal distribution of wastewater.

“*Dosing siphon*” means a manufactured device that provides a measured amount of effluent determined by the manufacturer’s specifications and design.

“*Drop box*” means a structure used to divert wastewater flow into a soil absorption trench. When the trench is filled to a set level, the drop box then allows any additional wastewater not absorbed by that trench to flow to the next drop box or soil absorption trench.

“*Dwelling*” means any house or place used or intended to be used by humans as a permanent or temporary residence.

“*Expanded polystyrene aggregate systems*” or “*EPS aggregate systems*” means cylinders comprised of expanded polystyrene (EPS) synthetic aggregate contained in high-strength polyethylene netting. The cylinders are a minimum 12 inches in diameter and are produced both with and without a distribution pipe.

“*Fill soil*” means clean soil, free of debris or large organic material, which has been mechanically moved onto a site and has been in place for less than one year, and is characterized by a lack of distinct horizons or color patterns as found in naturally developed, undisturbed soils.

“*Filtered pump vault*” means a device installed in a septic or pump tank that houses a pump and screens effluent with 1/8-inch or smaller diameter openings before it enters the pump.

“Foundation drain” means the portion of a building drainage system that is provided to drain groundwater, not including any wastewater, from the outside of the foundation or over or under the basement floor and that is not connected to the building drain.

“Gravel” means stone screened from river sand or quarried and washed free of clay and clay coatings. Concrete aggregate designated as Class II by the Iowa DOT is acceptable.

“Gravel aggregate system” means a soil absorption system utilizing gravel for distribution.

“Grease interceptor” means a watertight device designed to intercept and retain or remove grease and fatty substances. The device may be located inside (grease separator) or outside (grease tank or grease trap) a facility.

“Holding tank for waste” means a structure used for the retention or storage of domestic sewage pending removal for further treatment.

“Intermittent subsurface sand filter” or *“ISSF”* means a bed of granular materials underlain by gravel and collecting tile and provided with a natural topsoil cover over the crown of the distribution system. Primary treated effluent is applied intermittently to the surface of the bed through a distribution system, and the bed is underdrained to collect and discharge the secondary treated effluent. Uniform distribution is best obtained by dosing so as to utilize the entire surface of the bed.

“Mound system” means a pressurized aboveground soil absorption system used to disperse effluent from septic tanks in cases where a seasonally high water table, high bedrock conditions, slowly permeable soils, or limited land areas prevent conventional soil absorption systems.

“Other pressure distribution device” means any device used to evenly distribute effluent other than a manufactured siphon device intended to be used for effluent distribution.

“Percolation test” means a falling water level procedure used to determine the ability of soils to absorb effluent or pretreated effluent. See Appendix B of this chapter.

“Pressure distribution system” means a network of distribution pipes in which effluent is forced through orifices under pressure. Pressure distribution may be accomplished by use of a pump, siphon device, or other manufactured pressure distribution devices.

“Pretreated effluent” means effluent treated through aeration or other methods that, upon laboratory analysis, meets or exceeds a monthly average for CBOD₅ of 25 mg/L and TSS of 30 mg/L.

“Primary treatment unit” means a unit or system used to separate the floating and settleable solids from the wastewater before the partially treated effluent is discharged for secondary treatment.

“Private sewage disposal system” or *“PSDS”* is defined in Iowa Code section 455B.171. For the purposes of this chapter, the term includes the treatment systems presented in this chapter.

“Professional soil analysis” means an alternative to the percolation test that depends upon a knowledgeable person evaluating the soil characteristics, such as color, texture, and structure, in order to determine an equivalent percolation or loading rate.

“Proprietary treatment system” or *“PTS”* means any device or product that is certified by a third-party certifier accredited by the American National Standards Institute (ANSI) to meet the National Sanitation Foundation (NSF)/ANSI Standard 40-2023, October 1, 2023, available on the NSF website at: www.nsf.org, or equivalent testing as determined by the department. Examples may include but are not limited to peat moss biofilters, coconut fiber filters, synthetic foam filters, polystyrene bead media filters, textile filters, modular fixed film soil systems, or aerobic treatment units.

“PVC” means polyvinyl chloride.

“Qualified sampler,” for the purposes of collecting compliance effluent samples required under NPDES General Permit No. 4, means one of the following persons: a city or county environmental health staff person; an Iowa-certified wastewater treatment operator; or an individual who has received department-approved training to conduct effluent sampling.

“Roof drain” means a drain installed to receive water collecting on the surface of a roof and discharging into an area or storm drain system.

“SCH” means schedule, as in Schedule 40 pipe. It describes the wall thickness of a pipe.

“SDR” means standard dimension ratio, which is the ratio of pipe diameter to wall thickness. It is a method of rating a pipe’s durability against pressure.

“*Secondary treatment system*” means a system that provides biological treatment of effluent from septic tanks or other primary treatment units. Examples include but are not limited to soil absorption systems, ISSFs, PTSs, or other systems providing equivalent treatment.

“*Septic tank*” means a watertight structure into which wastewater is discharged for solids separation and digestion (referred to as part of the closed portion of the treatment system).

“*Soil absorption bed system*” means a soil absorption system that is a shallow excavation lined with aggregate or other suitable materials, including a leaching chamber or EPS materials.

“*Soil absorption system*” means a conventional, at-grade, mound, or soil absorption bed system that uses a system of perforated conduits connected to a distribution system, forming a series of subsurface, water-carrying channels into which the septic tank effluent or pretreated effluent is discharged for direct absorption into the soil (referred to as part of the open portion of the treatment system).

“*Soil professional*” means a person with training and experience in soil morphology, including but not limited to experience in testing the absorption qualities of soil by the physical examination of the soil’s color, mottling, texture, structure, topography, and hillslope position.

“*Stream*” means any watercourse listed as a “designated use segment” in 567—61.3(455B).

69.1(3) General PSDS regulations.

a. Connections to approved sewer systems.

(1) No PSDS shall be installed, repaired, or rehabilitated where a publicly owned treatment works (POTW) is available or where a local ordinance requires connection to a POTW. A POTW may be considered unavailable when the POTW, or any building or any exterior drainage facility connected thereto, is located more than 200 feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by a POTW. Final determination of availability shall be made by the administrative authority.

(2) When a POTW becomes available within 200 feet, any building then served by a PSDS shall be connected to said POTW within a time frame and under conditions set by the administrative authority.

(3) When a POTW is not available, every building wherein persons generate domestic sewage shall be provided with an approved PSDS. A holding tank for waste may be used only if all other PSDS options are impractical.

(4) If a building is to be connected to an existing PSDS, that existing system shall meet the requirements of these rules.

b. Construction or alteration. All constructed or altered PSDSs shall comply with this chapter. Alteration includes any changes that affect the treatment or disposal of the waste. Repair of existing components of a PSDS that do not change the treatment or disposal of the waste are not considered alterations. However, the discharge restrictions in 69.1(8) apply.

c. Abandonment. PSDSs shall be abandoned in the following manner:

(1) Concrete tanks shall be pumped, the tank lid crushed into the tank, and the tank filled with sand or soil.

(2) Plastic, fiberglass, or metal tanks shall be pumped and removed and the cavity filled with sand or soil.

69.1(4) Construction permit required. No PSDS shall be installed or altered as described in 69.1(3) “b” unless a construction permit issued by the administrative authority is obtained prior to construction. PSDS installation shall be in accordance with these rules.

69.1(5) Permit by rule. This chapter is intended to act as a permit by rule for PSDSs. Activities in compliance with this chapter are permitted by the director for purposes of compliance with Iowa Code sections 455B.183 and 455B.186.

69.1(6) Site analysis.

a. Site evaluation. The administrative authority shall conduct a site evaluation prior to the issuance of a construction permit. Consideration shall be given but not be limited to the impact of the following:

(1) Topography, including but not limited to drainage ways, terraces, floodplains, and percent of land slope;

- (2) The location of property lines, easements, buried utilities, existing and proposed tile lines, and existing, proposed, and abandoned water wells;
- (3) The amount of available area for installation of the system;
- (4) Evidence of unstable ground; and
- (5) Alteration (cutting, filling, compacting) of existing soil profiles.

b. Soil characteristics and permeability. The soil characteristics and permeability of a specific site shall be determined by performing a percolation test or a soil analysis. The administrative authority shall determine who is a trained and qualified soil professional and who may conduct percolation tests. All percolation tests shall be conducted in accordance with Appendix B of this chapter.

c. Final inspections. The administrative authority shall conduct an at-location inspection of all newly constructed PSDSs before the system is backfilled. A final as-built drawing shall be made as part of the final inspection and kept on file with the construction permit.

d. Onsite wastewater tracking system. All pertinent information, including but not limited to the site address, owner, type, date of installation, percolation test or soil analysis, and as-built drawing of the PSDS shall be entered into the department's onsite wastewater tracking system, available on the department's website at www.iowadnr.gov, after a final inspection is conducted.

69.1(7) Separation distances (SDs). All PSDSs shall be located in accordance with the minimum SDs in Table I in 567—paragraph 60.2(2)“c.”

69.1(8) Discharge restrictions. It is prohibited to discharge any wastewater from PSDSs (except as permitted in this chapter) to any ditch, stream, pond, lake, natural or artificial waterway, county drain tile, surface water drain tile, or land drain tile, to the groundwater, or to the surface of the ground. Under no conditions shall effluent from PSDSs be discharged to any abandoned well, agricultural drainage well, or sinkhole. Existing discharges to any of the above-listed locations or structures shall be eliminated by the construction of a system in compliance with this chapter.

a. Requirements when effluent is discharged into surface water. All discharges from PSDSs that are discharged into any designated waters of the state or subsurface drainage tile shall conform with the requirements of NPDES General Permit No. 4 (GP 4) issued by the department, as referenced in 567—Chapter 60. Prior to the use of any system discharging to designated waters of the state or a subsurface drainage tile, a Notice of Intent to be covered by GP 4 shall be submitted to the department. Systems covered by GP 4 must meet all applicable permit requirements, including effluent sampling and monitoring. No PSDS shall discharge to a state-owned natural or artificial lake, an outstanding Iowa water, or an outstanding national water as defined in 567—subrule 61.2(2).

b. Requirements when effluent is discharged above the ground surface. All discharges from PSDSs that are discharged to the surface of the ground and require a maintenance contract shall be installed, operated, and maintained by a manufacturer-certified technician in accordance with the manufacturer's instructions and the requirements of the administrative authority.

c. Requirements when effluent is discharged into the soil. No septage or wastewater shall be discharged into the soil except in compliance with this chapter.

69.1(9) Maximum flow rates.

a. Residential wastewater design flow rates are based on 150 gallons per bedroom per day. Wastewater design flow rates for nonresidential domestic waste applications serving the equivalent of fewer than 16 individuals on a continuing basis are detailed in Appendix A of this chapter.

b. Wastewater design flow rates for a nonresidential use that are not listed in Appendix A may be determined by a professional engineer licensed in the state of Iowa prior to issuance of a construction permit by an administrative authority. The administrative authority may require a system to be designed using the nonresidential flows listed in Appendix A.

69.1(10) Flow equalization. Flow equalization may be used at the discretion of a professional engineer licensed in the state of Iowa. The determination to use flow equalization shall be made prior to issuance of a construction permit by an administrative authority. If used, flow equalization shall meet all of the following criteria:

a. The design flow of the secondary treatment unit receiving the equalized flow cannot exceed 1,500 gallons per day.

b. Equalized flow to the secondary treatment unit shall be mechanically time dosed.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.2(455B) General design standards.

69.2(1) Building sewers.

a. *Location and construction.* Building sewers shall be constructed in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c.” The distances shall be considered minimum distances and shall be increased where possible to provide better protection.

b. *Type.* Building sewers used to conduct wastewater from a building to the primary treatment unit of a PSDS shall be constructed of:

(1) SCH 40 PVC pipe (SDR 26 or stronger) with solvent-weld or bell-and-gasket-type joints approved for use for below grade applications or for the wastewater industry; or

(2) Cast iron with integral bell-and-gasket-type joints.

c. *Size.* Building sewers shall not be less than four inches in diameter.

d. *Grade.* Building sewers shall be laid to the following minimum grades:

4-inch sewer. 12 inches per 100 feet

6-inch sewer. 8 inches per 100 feet

69.2(2) Cleanouts.

a. *Spacing.* A cleanout shall be provided where the building sewer leaves the structure and at least every 100 feet.

b. *Change of direction or grade.* An accessible cleanout shall be provided at each change of direction or grade if the change exceeds 45 degrees prior to primary treatment.

69.2(3) Grease interceptors.

a. *Applicability.* Grease interceptors shall be provided for kitchen flows at restaurants, nursing homes, schools, hospitals, and any other facilities from which grease can be expected to be discharged.

b. *Installation.* Grease interceptors shall be installed on separate building sewers serving kitchen flows into which the grease will be discharged. A discharge from a grease interceptor must flow to either a properly designed septic tank or to a building sewer and then to the primary treatment unit.

69.2(4) Impervious vault toilets.

a. *Location.* Impervious vault toilets shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c” for the closed portion of a treatment system.

b. *Construction.* The vault shall be constructed of reinforced, impervious concrete at least four inches thick. The superstructure, including floor slab, seat, seat cover, riser, and building, shall comply with good design and construction practices to provide permanent, safe, and sanitary facilities. The vault shall be provided with a cleanout opening fitted with a fly-tight cover.

c. *Wastewater disposal.* Wastewater from impervious vault toilets shall be disposed of at a POTW or other department-permitted wastewater disposal system.

69.2(5) Portable toilets.

a. *Design.* All portable toilets shall be designed to receive and retain the wastes deposited in them and shall be located and maintained in a manner that will prevent the creation of any nuisance condition.

b. *Wastewater disposal system.* Wastewater from portable toilets shall be disposed of at a POTW or other department-permitted wastewater disposal system.

69.2(6) Holding tanks for waste.

a. *General.* Holding tanks may only be used when site characteristics or restrictions do not allow for the installation of a system that consists of both primary and secondary treatment or when the use will be seasonal or sporadic.

b. *Capacity.* The minimum liquid-holding capacity shall be 1,250 gallons.

c. *Pumping frequency.* Holding tanks shall be pumped as necessary to prevent overflows, leaks, or releases of waste.

d. Recordkeeping. Holding tank owners shall keep all pumping records for three years. Records shall be made available to the administrative authority upon request.

e. Construction. Holding tanks shall be constructed and installed using the materials and processes allowed for septic tanks in 69.3(6) and 69.3(8). All holding tanks shall be equipped with a high-water alarm.

f. Wastewater disposal. Wastewater from holding tanks shall be disposed of at a POTW or other department-permitted wastewater disposal system.

69.2(7) Location. No PSDS shall be located upon property under ownership different from the ownership of that property or lot upon which the wastewater originates unless easements to that effect are legally recorded and approved by the proper administrative authority.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.3(455B) Primary treatment unit.

69.3(1) General. Every PSDS shall have, as a primary treatment unit, a septic tank as described in this rule.

a. All wastewater from a facility shall discharge into a septic tank, and all septic tank effluent shall discharge into a secondary treatment system in compliance with this chapter.

b. Septic tanks shall not be used for the disposal of chemical wastes or grease in quantities that might be detrimental to the bacterial action in the tank, or for the disposal of drainage from roof drains, foundation drains, or area drains.

69.3(2) Capacity.

a. The minimum liquid-holding capacity for septic tanks is specified in Table I (capacity may be obtained by using one or more tanks):

Table I - Septic Tank Holding Capacity

Home Size	Septic Tank Minimum Liquid Holding Capacity in gallons
Up to and including 3-bedroom homes	1,250 gal.
4-bedroom homes	1,500 gal.
5-bedroom homes	1,750 gal.
6-bedroom homes	2,000 gal.
Each additional bedroom	+ 250 gal.

b. Approval of septic tank capacity and design must be obtained from the administrative authority, if an installation serves a facility other than a dwelling and serves the equivalent of fewer than 16 individuals on a continuing basis. Minimum septic tank liquid-holding capacity shall either be 1,250 gallons or two times the daily sewage flow as estimated from Appendix A, whichever is greater.

c. The minimum liquid-holding depth in any tank compartment shall be 40 inches. The maximum liquid-holding depth for calculating capacity of a tank shall not exceed 6½ feet.

d. The interior length of a septic tank should not be less than five feet and shall be at least 1½ times the width (larger length-to-width ratios are preferred). No tank or compartment shall have an inside width of less than two feet. The minimum inside diameter of a vertical cylindrical septic tank shall be five feet.

69.3(3) Compartmentalization. Every septic tank shall be divided into two compartments as follows. Compartmentalization may be obtained by using more than one tank.

a. The influent compartment capacity shall not be less than ½ or more than ⅔ of the total tank capacity.

b. The effluent compartment capacity shall not be less than ⅓ or more than ½ of the total tank capacity.

c. The invert of the inlet pipe shall be a minimum of two inches and a maximum of four inches higher than the invert of the outlet pipe.

69.3(4) Baffles.

a. Four-inch diameter SCH 40 PVC pipe tees shall be used as inlet and outlet baffles.

b. Inlet tees shall extend at least six inches above and eight inches below the liquid level of the tank. The inlet tee shall extend below the liquid level for no more than 30 percent of the liquid depth.

c. The outlet tee shall extend above the liquid level a distance of at least six inches and below the liquid level a distance of at least 15 inches, but no more than 40 percent of the liquid depth.

d. A minimum one-inch clearance between the top of the inlet and outlet tees and the bottom of the tank lid shall be provided. A horizontal separation of at least 36 inches shall be provided between the inlet baffle and the outlet baffle in each compartment.

e. Outlet baffles shall be fitted with, or replaced by, an approved effluent screen. All effluent screens shall be certified by a third-party certifier accredited by ANSI to meet NSF/ANSI Standard 46-2022, September 5, 2022, available on the NSF website at: www.nsf.org; or other equivalent testing as determined by the department. Effluent screens require periodic inspection and cleaning to ensure their continued proper operation.

f. A horizontal slot four inches by six inches, or two suitably spaced four- to five-inch diameter holes in the tank partition, may be used instead of a tee or baffle. The top of the slot or holes shall be located below the water level within the middle third of the liquid depth. A ventilation hole or slot, located at least eight inches above the liquid level, shall be provided in the partition.

69.3(5) Access.

a. Access necessary for adequate inspection, operation, and maintenance must be provided to all parts of septic tanks.

b. Access openings shall be provided for each chamber, including the inlet, outlet, and pump chamber (if applicable). Openings shall be at least 18 inches in the smallest dimension and of adequate size to allow for pumping, maintenance, and visual inspection.

c. Watertight risers with a minimum diameter of 18 inches shall be installed to bring the access openings to the ground surface. To deter tampering, risers shall be secured using either stainless steel fasteners of sufficient complexity, locking devices, concrete lids of sufficient weight, or another device approved by the administrative authority.

69.3(6) Installation.

a. Concrete, fiberglass, or plastic tanks shall be bedded and installed according to the manufacturer's specifications. Provisions should be made to prevent flotation of the tanks when they are empty.

b. Any septic tank placed in fill soil shall be placed upon a level base that is stabilized through compaction or other manufacturer allowed practices.

69.3(7) Connecting pipes.

a. Pipes connecting septic tanks installed in series and prior to the distribution box or distribution network or device shall be a minimum of four-inch diameter SCH 40 PVC (SDR 26 or stronger).

b. All inlet and outlet connections shall be made by self-sealing gaskets either cast into the concrete or formed into the plastic or fiberglass approved for below grade applications or for use in the wastewater industry.

c. All joints in connecting pipe shall be approved connections that match the rating of the pipe, such as solvent-welded or compression-type gaskets approved for below grade applications or use.

d. Pipes shall be used to extend across excavations or unstable ground to at least two feet beyond the point where the original ground has not been disturbed during septic tank installation. If the excavation spanned is more than two feet wide, it must be filled with sand or compacted fill to provide a firm bed for the pipe. The first 12 inches of backfill over the pipe shall be applied in thin layers, using material free from stones, boulders, large frozen chunks of earth, or any similar material that could damage or break the pipe.

69.3(8) Construction.

a. Septic tanks shall be constructed of either watertight poured concrete, fiberglass, or plastic resistant to corrosion or decay and shall be designed so that the tanks, whether full or empty, will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures. Metal tanks are prohibited.

b. Tanks shall be watertight. Before approving a tank, the administrative authority may ask for proof that a tank is watertight.

c. Tank divider walls and divider wall supports shall be constructed of either heavy, durable plastic, fiberglass, concrete, or other similar corrosion-resistant materials approved by the administrative authority.

d. Inlet and outlet ports of pipes shall be constructed of SCH 40 PVC sanitary tees or other similar approved corrosion-resistant material.

e. Concrete used in precast septic tank construction shall have a maximum water-to-cement ratio of 0.45. Cement content shall be at least 650 pounds per cubic yard. Minimum compressive strength (f') shall be 4,000 psi (28 megapascals) at 28 days of age. The use of Type II cement, as specified in ASTM C150/C150M-24, July 25, 2024, or the addition of either silica fume or Class F fly ash is recommended.

f. Minimum wall thickness for septic tanks shall conform to the current International Association of Plumbing and Mechanical Officials (IAPMO) standards, available on its website at: www.iapmo.org/publications/read-uniform-codes-online, or to the following specifications:

Poured concrete	6 inches thick
Poured concrete, reinforced	4 inches thick
Special concrete mix, vibrated and reinforced	2.5 inches thick
Fiberglass or plastic	IAPMO standard

g. Septic tank bottoms shall conform to the specifications in 69.3(8) "f" for septic tank walls, except that special mix concrete shall be at least three inches thick.

h. Concrete or masonry septic tank tops shall be a minimum of four inches in thickness and reinforced with 3/8-inch reinforcing rods in a six-inch grid or equivalent. Fiberglass or plastic tank tops shall meet the IAPMO standard.

i. The concrete cover for reinforcing bars, mats, or fabric shall not be less than one inch.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.4(455B) Effluent distribution.

69.4(1) *Pump systems.* Dosing through mechanical pumping is the recommended method of effluent distribution and is preferred to improve distribution, improve treatment, and extend system life. In the event that effluent from a septic tank outlet cannot be discharged by gravity while maintaining the proper lateral depths, the effluent may be discharged into a watertight pump pit or tank with an inside diameter of not less than 24 inches, equipped with a tight-fitting cover at grade level. Pumps shall be of a submersible type of corrosion-resistant material.

a. Inlet. Pump inlets shall be elevated at least four inches above the bottom of the pump pit or tank to prevent the pump from drawing excessive settled solids.

b. Electrical. Electrical installations shall comply with all applicable state and local codes and ordinances. Electrical connections shall be located in an exterior weatherproof box. On-site electrical connections shall not be located in the pump pit or tank, unless a manufactured connection or an electrical connection rated for use inside a pump pit or tank is provided.

c. Pump setting. Pumps shall be installed in the pump pit or tank in a manner that ensures ease of service and protection from frost and settled sludge. Pumps shall be set to provide a dosing frequency of approximately four times a day based on the maximum design flow.

d. Pipe. Distribution pipe used in pressure-dosed systems shall be rated for pressure use and be a minimum SCH 40 PVC pipe (SDR 26 or stronger).

e. Pressure line size. The diameter of the pressure line from the pump to the point of discharge shall not be smaller than the outlet of the pump it serves.

f. Drainage. Pressure lines shall either be installed to provide total drainage between dosing to prevent freezing or shall be buried below frost level up to the distribution point.

g. High water alarm. Pump pits or tanks shall be equipped with a sensor set to detect if the water level rises above the design high water level if the pump fails. This sensor shall activate an auditory or visual alarm to alert the building occupants.

h. Discharge point. The effluent may either be discharged under pressure into a distribution box or distributed by small-diameter pipes throughout the entire absorption system.

i. Filtered pump vaults. Filtered pump vaults, when used, require periodic inspection and cleaning to ensure their continued proper operation.

69.4(2) Gravity distribution. Septic tank effluent may be serially loaded to soil absorption trenches by drop boxes or overflow piping (rigid sewer pipe). Otherwise, effluent shall be distributed evenly to all trenches by use of either a distribution box or a commercial distribution regulator approved by the administrative authority.

a. General design and use. Gravity distribution boxes shall:

(1) Be installed with separate watertight headers leading from the distribution box to each lateral.

(2) Be constructed of corrosion-resistant rigid plastic materials. Header pipes shall be rigid SCH 40 PVC pipe (SDR 26 or stronger) meeting ASTM 2729-21, November 30, 2021, or equivalent.

b. Equal length. Soil absorptions trenches served by a gravity distribution box shall be of equal length. Soil absorptions trenches served by drop boxes may vary in length.

c. Baffles. There shall be a pipe tee at the inlet to break the water flow.

d. Outlets.

(1) A distribution box shall have outlets at the same level, at least four inches above the bottom of the box, to provide a minimum of four inches of water retention in the box.

(2) All distribution box outlets shall be made level. A four-inch cap with an offset hole approximately 2½ inches in diameter shall be installed on each outlet pipe. The caps shall be rotated until all outlets discharge at the same elevation. Equivalent leveling devices may be approved by the administrative authority.

(3) All unused outlet holes in the box shall be securely closed.

69.4(3) Other distribution devices. For all other effluent distribution devices, the manufacturer's specifications shall be adhered to for installation, cleaning, and maintenance.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.5(455B) Secondary treatment—soil absorption systems. When a PSDS uses secondary treatment prior to the discharge, land application, or other disposal of effluent, it shall comply with all applicable provisions of this rule or 567—69.6(455B).

69.5(1) Provisions. The following provisions apply to all soil absorption systems. Soil absorption systems are the best available treatment technology and shall always be used where possible.

a. Prohibited drainage.

(1) Nothing shall enter a soil absorption system that does not first pass through a septic tank.

(2) Roof, foundation, area, and storm drains shall not discharge into or upon a soil absorption system.

b. Prohibited construction. There shall be no construction of any kind, including driveways, covering the septic tank, distribution box, or absorption field of a soil absorption system. Vehicle access should be infrequent, primarily limited to vegetation maintenance.

c. Soil evaluation. Either a percolation test or a professional soil analysis, including a confining layer determination, is required before any soil absorption system is installed.

(1) Percolation test. If a percolation test is performed, it shall comply with the procedure in Appendix B of this chapter.

(2) Professional soil analysis. If a professional soil analysis is performed, soil characteristics including but not limited to soil content, color, texture, and structure shall be used to determine the confining layer and the soil loading rate.

(3) Acceptable percolation rate. An area is deemed suitable if:

1. For conventional systems, soil absorption bed systems, and at-grade systems, the average percolation rate is less than 60 minutes per inch and greater than one minute per inch.

2. For mound systems, an average percolation rate of less than 120 minutes per inch is achieved.

(4) Confining layer determination. At least one additional test hole six feet in depth, or to water or rock, whichever occurs first, shall be provided in the center of the proposed absorption area to determine

the location of any confining layer. This six-foot test hole shall be drilled prior to determining the percolation test hole depths and may be augered the same size as the percolation test holes or may be made with a soil probe.

d. Groundwater. If the seasonal high groundwater level is present within three feet of the trench bottom final grade and cannot be successfully lowered by subsurface tile drainage, the area shall be classified as unsuitable for a soil absorption system. The administrative authority shall be consulted to determine an acceptable alternative method of wastewater treatment.

e. Location.

(1) Soil absorption systems shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2)“c.”

(2) All soil absorption systems shall be located to maximize the vertical SD from the bottom of the absorption trench to the confining layer, but under no circumstances shall this vertical separation be less than three feet.

(3) In situations where specific location or site characteristics would appear to prohibit installation of a conventional soil absorption system, design modifications to overcome such limitations may be approved by the administrative authority. Such design modifications could include but are not limited to the installation of subsurface drainage; the use of shallow or at-grade systems or mound systems; or the use of pretreated effluent.

f. Driveway crossings. Connecting lines under driveways shall be constructed of SCH 40 PVC pipe (SDR 26 or stronger) or equivalent and shall be protected from freezing.

g. Loading rates and trench size.

(1) Percolation and soil loading tables. All soil absorption systems installed under this subrule shall comply with the following tables. Table IIa provides a correlation between percolation rates and soil loading rates. Table IIb provides soil loading rates based upon soil texture and structure. Table IIa and Table IIb shall be used to determine the appropriate soil loading rate. Table IIc specifies linear feet of lateral trenches required based upon the soil loading rate, wastewater flow rate, and trench width.

Table IIa
Maximum Soil Application Rates Based Upon Percolation
Rates - Monthly Averages in gal/ft²/day

Percolation Rate (minutes per inch)	Septic Tank Effluent ^{1,2} CBOD ₅ 25 mg/L - 215 mg/L; TSS 30 mg/L - 150 mg/L	Pretreated Effluent CBOD ₅ ≤ 25 mg/L; TSS ≤ 30 mg/L
0 to 5	1.2	1.6
Fine sands	0.5	0.9
6 to 10	0.8 – 0.6	1.2
11 to 29	0.6 – 0.5	0.9
30 to 45	0.5 – 0.4	0.7
46 to 60	0.4 – 0.2	0.5
61 to 120	0.0	0.3
Greater than 120	0.0	0.0

¹Typical waste strengths for domestic waste. Pretreatment should be considered for waste of higher strength.

²Percolation rates and soil loading rates do not precisely correlate; therefore, a range is provided.

Table IIb
Maximum Soil Loading Rates Based Upon Soil Evaluations
in gal/ft²/day for Septic Tank Effluent

Soil Texture	Single Grain	Massive	Structure - Granular, Blocky, or Prismatic	Platy

			Weak	Moderate	Strong	Weak	Moderate to Strong
Coarse sand and gravel	1.2 (1.6)	X	1.2 (1.6)	X	X	1.2 (1.6)	X
Medium sands	0.7 (1.4)	X	0.7 (1.4)	X	X	0.7 (1.4)	X
Fine sands	0.5 (0.9)	X	0.5 (0.9)	X	X	0.5 (0.9)	X
Very fine sands ¹	0.3 (0.5)	X	0.3 (0.5)	X	X	0.3 (0.5)	X
Sandy loam	X	0.3 (0.5)	0.45 (0.7)	0.6 (1.1)	0.65 (1.2)	0.4 (0.6)	0.3 (0.5)
Loam	X	0.4 (0.6)	0.45 (0.7)	0.5 (0.8)	0.55 (0.8)	0.4 (0.6)	0.3 (0.5)
Silty loam	X	NS	0.4 (0.6)	0.5 (0.8)	0.5 (0.8)	0.3 (0.5)	0.2 (0.3)
Clay loam	X	NS	0.2 (0.3)	0.45 (0.7)	0.45 (0.7)	0.1 (0.2)	0.1 (0.2)
Silty clay loam	X	NS	0.2 (0.3)	0.45 (0.7)	0.45 (0.7)	NS	NS

Notes: Values in () are for pretreated effluent. "X" means not found in nature. "NS" means not suitable for soil absorption.

¹Flow rates are difficult to determine for some very fine sands; experience may provide better information and flow rates.

Table IIc
Minimum Length of Absorption Trenches in Lineal Feet
by Width of Trench and Soil Loading Rate

Soil loading rate gal/ft²	Two bedroom, 300 gpd¹		Three bedroom, 450 gpd¹		Four bedroom, 600 gpd¹		Five bedroom, 750 gpd¹		Six bedroom, 900 gpd¹	
	Width of trench in feet									
	2'	3'	2'	3'	2'	3'	2'	3'	2'	3'
	Not suitable for soil absorption trenches									
0.1										
0.2	750	500	1125²	750	1500²	1000²	1875²	1250²	2250²	1500²
0.3	500	333	750	500	1000²	666	1250²	833²	1500²	1000²
0.4	375	250	562	375	750	500	938²	625	1125²	750
0.5	300	200	450	300	600	400	750	500	900²	600
0.6	250	167	375	250	500	333	625	417	750	500
0.7	214	143	321	214	428	286	536	357	643	429
0.8	188	125	281	188	375	250	469	312	562	375
0.9	167	111	250	167	333	222	417	278	500	333
1.0	150	100	225	150	300	200	375	250	450	300
1.1	136	91	205	136	273	182	341	227	409	273
1.2	125	84	188	125	250	167	313	208	375	250

¹gpd - gallons per day. Design flow rates are based on 150 gallons per bedroom per day.

²Requires pressure distribution (pump).

(2) Unsuitable absorption. Conventional soil absorption trenches and at-grade systems shall not be installed in soils that have a percolation rate less than 1 minute per inch or greater than 60 minutes per inch.

h. Construction details for all soil absorption trenches.

(1) Depth. A trench bottom depth of 18 to 24 inches is recommended. Soil absorption trenches shall not exceed 36 inches in depth. Not less than six inches of porous soil shall be provided over the laterals. The minimum separation between the trench bottom and any confining layer shall be 36 inches.

(2) Length. No soil absorption trench shall be greater than 100 feet long unless the administrative authority approves the use of a drop box.

(3) Trench SD. At least six feet of undisturbed soil shall be left between each trench edge on level sites. Two feet of SD should be added for each five percent increase in slope from level.

(4) **Grade.** The trench bottom should be constructed level from end to end. On sloping ground, the trench shall follow a uniform land contour to maintain a minimum soil cover of six inches and a level trench bottom.

(5) **Compaction.** There shall be minimum use of, or traffic of heavy equipment on, the area proposed for soil absorption. In addition, heavy equipment shall not be used on the trench bottoms in the absorption area.

(6) **Soils.** Soil absorption systems shall not be installed in fill soil. Disturbed soils that have stabilized for at least one year shall require a recent percolation test or professional soil analysis.

(7) **Soil smearing.**

1. Soils with significant clay content should not be worked when wet.

2. If soil moisture causes trench bottom or sidewall smearing, the installation should be discontinued until conditions improve.

69.5(2) Gravel aggregate systems. The following provisions apply to gravel aggregate systems.

a. Gravel.

(1) A minimum of six inches of clean, washed river gravel, free of clay and clay coatings, shall be laid below the distribution pipe, and enough gravel shall be used to cover the pipe.

(2) This gravel shall be of such a size that 100 percent of the gravel will pass a 2½-inch screen and 100 percent will be retained on a ¾-inch screen.

(3) Limestone or crushed rock is not recommended for soil absorption systems; however, if used, it shall meet the following criteria:

1. The percent wear, as determined in accordance with the American Association of State Highway and Transportation Officials (AAHSTO) T 96, Grading C, 2022, available on the AAHSTO website at store.transportation.org, shall not exceed 40 percent.

2. When gravel is subjected to the freezing and thawing test, Iowa DOT Materials Laboratory Test Method 211, Method A, April 15, 2025, available at erl.iowadot.gov, the percentage loss shall not exceed 10 percent.

3. The percent absorption, determined in accordance with Iowa DOT Materials Laboratory Test Method 202, April 15, 2025, available at erl.iowadot.gov, shall not exceed three percent.

b. Trench width. Soil absorption trenches for gravel systems shall have a minimum width of 24 inches and a maximum width of 36 inches at the bottom of the trench.

c. Grade. The distribution pipes shall be laid with a minimum grade of two inches per 100 feet of run and a maximum grade of six inches per 100 feet of run, with a preference given to the lesser slope.

d. Pipe.

(1) Distribution pipe used in gravity-based distribution type systems shall be PVC rigid plastic meeting ASTM 2729.

(2) The inside diameter shall be not less than four inches, with perforations at least ½ inch and no more than ¾ inch in diameter, spaced no more than 40 inches apart.

(3) Two rows of perforations shall be provided; located 120 degrees apart along the bottom half of the tubing and each 60 degrees up from the bottom centerline.

(4) The end of the pipe in each trench shall be sealed with a watertight cap unless, on a level site, a footer is installed connecting the trenches together.

(5) Coiled perforated plastic pipe shall not be used.

e. Gravel cover. Synthetic drainage fabric or other material approved by the manufacturer or administrative authority shall be laid so as to separate the gravel from the soil backfill.

69.5(3) Chamber systems. The following provisions apply to chamber systems.

a. Use. Chamber systems may be used as an alternative to gravel aggregate systems.

b. Installation. The manufacturer's specifications and installation procedures shall be adhered to.

c. Trench length. The total length of soil absorption trench for chambers 22 inches wide shall be the same as specified in Table IIc for a two-foot-wide conventional soil absorption trench. Chambers 33 inches wide or greater shall be sized as specified in Table IIc for a three-foot-wide conventional soil absorption trench.

d. Sidewall. The chambers shall have at least six inches of sidewall effluent soil exposure height.

69.5(4) EPS aggregate systems. The following provisions apply to EPS aggregate systems.

a. Use. EPS aggregate systems may be used as an alternative to gravel aggregate systems.

b. Installation. The manufacturer's specifications and installation procedures shall be adhered to.

c. Trench length. The total length of soil absorption trench using a 12-inch EPS aggregate bundle configuration less than 33 inches wide shall be the same as specified in Table IIc for a two-foot-wide conventional soil absorption trench. Twelve-inch EPS aggregate bundle configurations 33 inches wide or greater shall be sized as specified in Table IIc for a three-foot-wide conventional soil absorption trench.

d. EPS bundles. EPS bundles may be configured in a trench, bed, at-grade, or mound application to obtain the desired width, height, and length. EPS bundles containing a distribution pipe shall be connected end-to-end with an internal coupling device.

69.5(5) Mound systems. The following provisions apply to mound systems.

a. General design and use.

(1) Mound systems shall:

1. Only be permitted when a thorough site evaluation has been conducted and landscaping, dwelling placement, effect on surface drainage, and general topography have been considered;

2. Be constructed only upon undisturbed naturally occurring soils or where a soil analysis has determined the site is suitable; and

3. Be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c” as measured from the outer edge of the sand in the mound.

(2) Mound systems shall not be utilized on:

1. Sites subject to flooding with a ten-year or greater frequency;

2. Soils where the high groundwater level, impermeable bedrock, or soil strata having a percolation rate exceeding 120 minutes per inch occurs within 12 inches of natural grade; or

3. Where creviced bedrock occurs within 20 inches of natural grade.

(3) No buildings, driveways, or other surface or subsurface obstructions shall be permitted within 50 feet on the downgradient side of the mound when the mound is constructed on a slope greater than five percent.

(4) No future construction shall be permitted in the effluent disposal area as long as the mound is in use.

b. Specifications and design standards. The specifications provided in these rules for mounds are minimal and may not be sufficient for all locations. Other design information beyond the scope of these rules may be necessary to properly design a mound system. Refer to Appendix C of this chapter for mound system construction design standards.

69.5(6) At-grade systems. The following provisions apply to at-grade systems.

a. General design and use.

(1) At-grade systems shall:

1. Only be permitted when a thorough site evaluation has been conducted and landscaping, dwelling placement, effect on surface drainage, and general topography have been considered;

2. Be constructed only upon undisturbed naturally occurring soils or where a soil analysis has determined the site is suitable; and

3. Be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c” as measured from the outer edge of the distribution bed in the system.

(2) At-grade systems shall not be utilized on:

1. Sites subject to flooding with a ten-year or greater frequency, or

2. Soils where a confining layer occurs or soil strata having a percolation rate exceeding 60 minutes per inch occur within 36 inches of natural grade.

(3) No buildings, driveways, or other surface or subsurface obstructions shall be permitted within 25 feet on the downgradient side of an at-grade system when the system is constructed on a slope greater than five percent.

(4) No future construction shall be permitted in this effluent disposal area as long as the at-grade system is in use.

b. Specifications and design standards. The specifications provided in these rules for at-grade systems are minimal and may not be sufficient for all locations. Other design information beyond the scope of these rules may be necessary to properly design an at-grade system. Refer to Appendix D of this chapter for at-grade system construction design standards.

69.5(7) Soil absorption bed systems. The following provisions apply to soil absorption bed systems.

a. General design and use. Soil absorption bed systems shall:

(1) Only be permitted when a thorough site evaluation has been conducted, and landscaping, dwelling placement, effect on surface drainage, and general topography have been considered;

(2) Be constructed only upon undisturbed naturally occurring soils or where a soil analysis has determined the site is suitable; and

(3) Be located in accordance with the SDs specified in Table I in 567—paragraph 60.2(2) “c.”

b. Specifications and design standards. Refer to Appendix E of this chapter for soil absorption bed system construction design standards.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.6(455B) Secondary treatment—other.

69.6(1) Intermittent subsurface sand filters (ISSFs). The following provisions apply to ISSFs.

a. General design and use.

(1) ISSFs may be used when the administrative authority determines the site is unacceptable for a soil absorption system.

(2) ISSFs shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c.”

(3) All ISSFs shall have a sample port or means of collecting a representative effluent sample.

(4) There shall be no construction, such as buildings or concrete driveways, covering any part of an ISSF.

(5) ISSFs may be constructed where the water table is below the bottom of the collector pipe. If the water table is verified to be higher than the bottom of the collector pipe, an ISSF may only be installed if either a liner is installed or subsurface drainage tile is used to lower the water table, in accordance with the following.

1. If needed, a plastic liner shall use a minimum of 30-mil plastic or product of equivalent thickness as determined by the administrative authority.

2. Where the water table is lowered by use of subsurface drainage tile, the minimum depth of the drainage tile shall be greater than or equal to the lowest portion of the sand filter bed.

b. Specifications and design standards. The specifications in these rules for ISSFs are minimal and may not be sufficient for all applications. Other design information beyond the scope of these rules may be necessary to properly design an ISSF. Refer to Appendix F of this chapter for ISSF construction design standards.

69.6(2) Proprietary treatment systems (PTSs). The following provisions apply to all PTSs.

a. General.

(1) A PTS may be used when the administrative authority determines the site is unacceptable for a soil absorption system or an ISSF.

(2) PTS manufacturers shall submit to the department, by February 1 of each year, their current installation and maintenance manual, including the applicable third-party certification.

(3) For a PTS that utilizes replaceable media, a media disposal plan shall be included in the installation and maintenance manual. Used media from a PTS is considered “septage,” and septage shall be disposed of in accordance with 567—Chapter 68.

(4) PTSs shall be located in accordance with the SDs in Table I in 567—paragraph 60.2(2) “c.”

b. Design, installation, and operation. A PTS shall be installed and operated in accordance with the manufacturer’s requirements. Additionally:

(1) A PTS other than an aerobic treatment unit shall be preceded by a septic tank with a minimum capacity in accordance with 69.3(2), or shall have an incorporated component that is, or performs the same function as, a septic tank. A pretank or chamber that is part of the design, that is intended to serve the same function as a septic tank, and that was approved by third-party certification shall satisfy this requirement.

(2) An aerobic treatment unit PTS that does not have an incorporated component that is, or performs the same function as, a septic tank as part of the approved design shall be preceded by a pretreatment tank with a minimum capacity of 500 gallons.

(3) A PTS that utilizes a soil absorption system to disperse the treated effluent shall comply with 567—69.5(455B).

(4) All PTSs shall have a sample port or means of collecting a representative effluent sample.

c. Monitoring and maintenance.

(1) Prior to installation, a contract for PTS monitoring and maintenance shall be established between the system owner and a manufacturer-certified technician. A maintenance contract is required for the life of the system. A copy of the maintenance contract shall be made available to the administrative authority. A PTS shall be inspected, monitored, and maintained in accordance with the manufacturer's specifications and third-party certification, or at least once annually, whichever is more frequent.

(2) All PTS monitoring and maintenance shall be performed by a manufacturer-certified technician. PTS manufacturers shall ensure that an adequate number of certified technicians are available to service their PTSs at the specified intervals.

(3) Certified technicians shall report monitoring and maintenance results to the system owner and to the administrative authority. Certified technicians shall also report any discontinuance of PTS maintenance to the administrative authority.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter; Editorial change: IAC Supplement 7/8/26]

567—69.7(455B) Time of transfer (TOT) inspections.

69.7(1) Inspection criteria. Pursuant to Iowa Code section 455B.172(11), if a building where a person resides, congregates, or is employed is served by a PSDS, the PSDS shall be inspected prior to any transfer of ownership of the building.

a. Properly functioning system. If a PSDS is properly treating wastewater and not creating an unsanitary condition in the environment at the time of inspection, the system is not required to meet the department's current construction standards. However, the discharge restrictions in 69.1(8) shall always apply.

b. Future demolition. Pursuant to Iowa Code section 455B.172(11)“a”(7), a TOT inspection and upgrade of a PSDS serving a building is not required when the buyer of a building served by a PSDS intends to demolish or raze the building, as long as the building is not occupied and is removed by the date agreed upon in the waiver for building demolition form, available from the department. For purposes of this paragraph, a building includes inhabitable residences, other inhabitable structures, or commercial buildings.

c. Future inspection. In the event that weather or other temporary physical conditions prevent an inspection from being conducted, the buyer shall execute a binding agreement for weather delayed inspection with the administrative authority, using a department form.

d. Future installation or renovation. In the following instances, a buyer may execute a binding agreement for future installation or renovation with the administrative authority, using a department form.

(1) If an inspection fails; or

(2) If all parties agree an existing PSDS will not pass inspection and a buyer wishes to forego an inspection.

e. Forms. The forms for a waiver for building demolition, binding agreement for weather delayed inspection, and binding agreement for future installation are available on the department's website at www.iowadnr.gov.

f. Failure or improper function. If a PSDS is failing to ensure effective wastewater treatment or is otherwise improperly functioning, the PSDS shall be renovated to meet the department's current

construction standards. A PSDS is failing to ensure effective wastewater treatment or is otherwise improperly functioning when one or more of the following conditions exist:

- (1) The system's septic tank is constructed of metal; is not watertight; was not designed for use as a PSDS tank; or is damaged and cannot be repaired to the manufacturer's standards using a manufacturer-approved method;
- (2) The system's primary treatment tank is less than 500 gallons;
- (3) All fixtures on the property served by the PSDS that produce or transport domestic waste do not enter the PSDS;
- (4) More than 50 percent of the system's soil absorption area does not accept water;
- (5) There is evidence that the system is failing to effectively treat wastewater or is otherwise improperly functioning in a manner not detailed above; or
- (6) The system is a dry well structure or seepage pit.

g. *Exemptions.* For purposes of this subrule, transfer does not include the situations listed in Iowa Code section 455B.172(11) "a"(1) through 455B.172(11) "a"(12).

69.7(2) Certified TOT inspectors. Inspections shall be conducted by an inspector certified by the department, in accordance with Iowa Code section 455B.172 and this rule. In order to be a certified TOT inspector, an individual shall have met the experience requirements, have successfully completed the inspection course and examination, and have been issued a TOT certification by the department.

a. *Experience requirements.* In order to be certified by taking the inspection course and examination only, an individual must have at least two years' experience in the operation, installation, inspection, design or maintenance of PSDSs. Individuals lacking this experience must complete additional coursework before attending the inspection course with examination. The additional courses shall include but not be limited to "Basics of Onsite" offered by the Onsite Wastewater Training Center of Iowa or equivalent courses as determined by the department.

b. *Examination application form and evaluation.*

(1) All applications to take the certified TOT inspector examination shall be filed using a department form, available on the department's website at www.iowadnr.gov.

(2) Examination applications shall be reviewed by the department and an application review decision will be sent to the applicant. The applicant shall have the right to dispute the application evaluation.

(3) An examination application approval shall be valid for examination purposes for one year from the date the application is approved by the department.

c. *Certification.* Applicants who successfully meet the requirements of this subrule will receive a TOT certification from the department. The department shall maintain a current listing of certified TOT inspectors on its website at www.iowadnr.gov.

(1) All certificates shall expire on June 30 of even-numbered years and must be renewed every two years.

(2) Renewal applications shall be submitted on a department form, available on the department's website at www.iowadnr.gov, and shall be submitted 60 days before the expiration date of the current certificate. Renewal certificates will only be granted to inspectors that meet the continuing education unit (CEU) requirements of 69.7(2) "d," that have paid the appropriate certification fee in 69.7(2) "e," and that conduct inspections in accordance with 69.7(3).

(3) Inspectors who have complied with the continuing education requirements may continue to request a renewal up to 45 days following expiration of their certificate. However, inspectors may not perform inspections until a renewal certificate has been issued by the department.

(4) Inspectors whose certification has expired must retake the inspector class and test to become recertified.

d. *Continuing education units (CEUs).* The following CEU requirements apply to TOT certification:

(1) A certified inspector must earn 1.2 CEUs or 12 contact hours during each two-year period. Newly certified inspectors (previously uncertified) who become certified after April 1 of a two-year period will not be required to earn CEUs until the next two-year period.

(2) CEUs must be earned during each two-year period from April 1 of the even-numbered year until March 31 of the next even-numbered year. CEUs earned between April 1 and the end of the 45-day grace period cannot be counted towards a certification that expires on June 30 of that year.

(3) All activities for which CEU credit will be granted must be approved by an accredited college, university, technical institute, or the department and shall be related to PSDSs. Any entity providing training eligible for CEU credit shall, upon request, provide the training at no cost to one department staff member for audit purposes and shall provide all course materials to the department upon request.

(4) It is the personal responsibility of a certified inspector to maintain a record of and notify the department of the CEUs earned during the two-year period. The CEUs earned during the period shall be shown on the renewal application.

e. Certification fees. The following nonrefundable fees apply:

(1) The examination application fee is \$50.

(2) The new inspector certification fee is \$300. This fee must be paid prior to the issuance of a certification. This fee shall be prorated to \$75 for each one-half year of a two-year period from a certification issuance date to June 30 of the next even-numbered year. Certifications obtained within the first half year period of the certification period shall be subject to the full certification fee of \$300. The department will inform the applicant of the prorated fee amount prior to certification.

(3) The certification renewal fee is \$300. This fee must accompany a renewal application in order for a certificate to be renewed.

f. Certified inspector obligations. Certified inspectors shall conduct TOT inspections in accordance with this subrule.

69.7(3) Inspection procedures. TOT inspections shall be conducted as follows:

a. Inspection report.

(1) A TOT inspection shall be conducted using a department form, available on the department's website at www.iowadnr.gov.

(2) Upon completion of an inspection, all information, inspection data, and all attachments shall be provided as follows: to the department for review; to the county environmental health department for review and enforcement of any follow-up mandatory improvements to the system; and to the person ordering the inspection within ten business days from the inspection date.

(3) Submittal of a complete inspection form and all attachments in the online TOT database, available on the department's website at www.iowadnr.gov, shall be deemed compliant with this requirement.

b. Record search.

(1) Prior to an inspection, a certified inspector shall contact the administrative authority to obtain any permits, as-built drawings, or other available information concerning the system being inspected. Information may also be obtained from service providers or the homeowner.

(2) The inspector shall:

1. Verify an existing as-built drawing, or

2. If no as-built drawing is available, develop an as-built drawing as part of the inspection.

c. Septic tanks, vault toilets, and holding tanks. At the time of inspection, any existing tank(s) shall be opened and have the contents properly disposed of, and the condition of the tank and its components shall be documented and included in the final inspection report. Alternatively, the owner may provide evidence of proper tank pumping by a licensed commercial septic tank cleaner within three years prior to the inspection, so long as such evidence includes documentation of the size and condition of the tank and its components at the time of pumping.

d. Pumps and pump chambers. Pump chambers or vaults shall be opened for inspection. The pump and all alarms and controls shall be tested to ensure proper operation.

e. Secondary treatment. Proof that a secondary treatment system (if any) is in place shall be provided. This proof includes but is not limited to performing and documenting the following actions during the inspection:

(1) Opening and inspecting all distribution box(es) or drop box(es);

(2) Locating and uncovering the header pipe of a soil absorption system, if the pipe location and status is unknown;

(3) Locating the vents and discharge pipe of a sand filter and probing the treatment area. A gravity sand filter with a distribution box shall have the box opened and inspected;

(4) Locating, opening the lids, and inspecting the components of any PTS according to the manufacturer's recommendations, and documenting the product model and serial numbers of the PTS;

(5) Probing any soil-based treatment systems to determine their condition; and

(6) A hydraulic loading test.

f. Discharging systems. During an inspection, a representative sample of effluent shall be collected for CBOD₅ and TSS from all PSDSs, with the exception of soil absorption systems, and the test results shall be included in the inspection report. The effluent quality shall meet the requirements of NPDES General Permit No. 4 for CBOD₅ and TSS. A certified inspector shall report the discharge location(s) for all discharging PSDSs.

g. Other systems and system components. Any PSDS or component not mentioned above shall be inspected for compliance with these rules and for proper function. Examples of components include but are not limited to effluent screens, tertiary treatment systems, disinfection devices, alarms, control boxes, and timers.

69.7(4) Certified TOT inspector disciplinary action.

a. Reasons for disciplinary action. Disciplinary action may be taken against a certified TOT inspector on any of the grounds specified in Iowa Code section 455B.219 or the following more specific grounds:

(1) Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified inspector.

(2) Failure to submit required inspection records or other reports required under applicable permits or department rules, including failure to submit complete records or reports.

(3) Knowingly making any false statement, representation, or certification on any application, record, report, or document required to be maintained or submitted under any applicable permit or department rule.

b. Disciplinary sanctions. Disciplinary sanctions may include the following:

(1) Permanent revocation without chance of recertification or for a specified period of time.

(2) Revocation or suspension of the practice of a particular aspect of a PSDS inspection.

(3) Probation under specified conditions relevant to the specific grounds for disciplinary action.

(4) Additional education, training, or reexamination may be required as a condition of reinstatement.

(5) Civil penalties not to exceed \$1,000 may be assessed for causes identified in 69.7(4) "a" through the issuance of an administrative order.

c. Procedure.

(1) Department staff shall initiate a disciplinary action by conducting a lawful investigation to establish a legal and factual basis for action. The department shall provide written notice to a certified inspector when considering disciplinary actions. The notice shall provide the certified inspector 20 days to state their position and present relevant facts.

(2) If an agreement as to appropriate disciplinary action, if any, can be reached between the department and the certified inspector, a written stipulation and settlement shall be entered into. The stipulation and settlement shall recite the basic facts and violations alleged, any facts established by the certified inspector, and the reasons for the particular sanction imposed.

(3) If an agreement as to appropriate disciplinary action cannot be reached, the department may initiate formal disciplinary procedures in a letter, sent by certified mail, that imposes disciplinary sanctions deemed appropriate by the department.

(4) A certified inspector may appeal any disciplinary sanction imposed by the department by filing a notice of appeal with the director within 30 days of receipt of a disciplinary sanction letter. If an appeal is filed, the department shall initiate contested case proceedings in accordance with 567—Chapter 7 and Iowa Code chapter 17A.

(5) Upon certificate revocation, application for certification may be allowed two years from the revocation date unless otherwise specified in accordance with 69.7(4) "b." Any such applicant must meet

all eligibility requirements in 69.7(2), successfully complete an examination, and be certified in the same manner as a new applicant.

69.7(5) *Procedures for noncompliance with child support order.* Upon receipt of a certification of noncompliance with a child support obligation as provided in Iowa Code section 252J.7, the department will initiate procedures to deny an application for inspector certification or renewal, or to suspend a certification in accordance with Iowa Code section 252J.8(4). The department shall issue to the person by certified mail a notice of its intent to deny or suspend inspector certification based on receipt of a certificate of noncompliance. The suspension or denial shall be effective 30 days after receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in Iowa Code section 252J.8(4) “c.” Pursuant to Iowa Code section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this subrule but may seek a hearing in district court in accordance with Iowa Code section 252J.9.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

567—69.8(455B) Waivers. Waivers to these rules may be granted by the department or the administrative authority provided sufficient information is submitted, prior to construction, to substantiate the need for and propriety of such action. Applications for waivers and justification shall be in writing and filed with the department in accordance with 561—Chapter 10.

[ARC 9467C, IAB 8/6/25, effective 9/10/25; see Delay note at end of chapter]

These rules are intended to implement Iowa Code chapter 455B, subchapter III, part 1, and Iowa Code chapter 252J.

Appendix A - Estimates of Nonresidential Domestic Sewage Design Flow Rates

Source of use for sewage unit	Units	Gallons per day per unit
Dwelling Units		
Hotels or luxury motels or	Per guest	60
	Add per employee	13
	Per ft ²	0.3
Discount motels or	Per guest	40
	Add per employee	13
	Per ft ²	0.46
Rooming house	Per resident	50
	Add per nonresident meal	4.0
Commercial/Industrial		
Retail stores or or	Per ft ² of sales area	0.13
	Per customer	3.8
	Plus each employee	15
	Per toilet room	590
Offices or	Per employee	18
	Per ft ²	0.25
Medical offices	Per ft ²	1.6
Industrial buildings	Per employee	20
Construction camp	Per employee	20
Visitor center	Per visitor	13
Laundromat or or	Per machine	690
	Per load	50
	Per ft ²	2.6
Barber shops	Per chair	68
Beauty shops	Per station	285
Car washes	Per inside ft ²	10
Shopping Center or or	Per employee	11.5
	Per ft ²	0.15
	Per parking space	2.5
Flea Market or	Per vendor space, without food	15
	Per vendor space, with food	50
Eating and Drinking Establishments		
Restaurant, not including bar or lounge or	Per meal, without alcoholic drinks	3.5
	Per meal, with alcoholic drinks	8
	Per seat	40
	Add per employee	13
Restaurant (carry out, including caterers)	Per ft ²	0.5
Dining hall	Per meal	4.0
Coffee shop	Per customer	2.5
	Add per employee	13
Cafeteria	Per customer	2.5
	Add per employee	13
Drive-in	Per car stall	30
Bar or lounge	Per customer	4.5

Source of use for sewage unit	Units	Gallons per day per unit
or	Add per employee	16
	Per seat	36
Entertainment Establishments		
Country clubs or or	Per member, no meals	22
	Per member, meals and showers	118
	Per member in residence	50
Lodge	Per person	74
Parks/swimming pools	Per guest	13
Picnic parks with toilet only	Per guest	10
Movie theaters	Per person	4.0
Drive-in theaters	Per space	5
Skating rink/dance hall	Per person	10
Bowling lanes	Per lane	185
Stadium	Per seat	5
Health club gym	Per member	35
Fairgrounds and similar gatherings	Per visitor	1.5
Resort retail store	Per person	4
Wedding or other event center	Per person	5.5
Transportation		
Airport, bus or rail depot or or	Per passenger	4
	Per ft ²	6.5
	Per public restroom	630
Auto service station or or	Per vehicle served	13
	Add per employee	16
	Per inside ft ²	0.6
	Per public restroom	630
Gas station convenience store	Per customer	3.5
Institutional		
Hospitals	Per medical bed	220
	Add per employee	16
Mental institution	Per bed	147
	Add per employee	16
Prison or jail	Per inmate	140
	Add per employee	16
Nursing home	Per resident	125
	Add per employee	16
School or or	Per student, no gym, cafeteria or showers	14
	Per student, cafeteria only	18
	Per student, cafeteria, gym and showers	27.5
Boarding school	Per student	95
Churches or	Per member	2
	Per member, with kitchen	5
Assembly hall	Per seat	4
Outdoor recreational and related lodging facilities		
Campground	Per campsite with sewer hookup	100

Source of use for sewage unit	Units	Gallons per day per unit
or	Per campsite; without sewer hookup, with central toilet or shower facility	50
or	Per campsite; without sewer hookup, with central toilet or shower facility served by central dump station	63
Day camp, no meals	Per person	16
Day camp, with meals	Per person	25
Overnight camp, with meals	Per person	45

Appendix B - Percolation Test Procedure

a. Prior to performing a percolation test, the confining layer shall be determined in accordance with 69.5(1) "b"(4).

b. At least three percolation test holes distributed evenly over the proposed lateral field are required.

c. Percolation test holes shall be 4 to 12 inches in diameter and to the same depth as the proposed absorption trenches (not to exceed 36 inches in depth).

d. Sides and bottoms of the test holes shall be scratched or roughened to provide a natural surface. All loose material shall be removed from each hole.

e. The bottoms of the test holes shall be covered with approximately two inches of rock to protect the bottom from scouring action when the water is added.

f. The hole shall be filled with at least 12 inches of clean water, and this depth shall be maintained for at least four hours; preferably overnight if clay soils are present. It is important that the soil be allowed to soak for long enough to swell if accurate results are to be obtained. Failure to perform the presoak when required will invalidate the percolation test results.

g. In sandy soils with little or no clay, soaking is not necessary. If, after the hole has been filled twice with 12 inches of water, the water seeps completely away in less than ten minutes, the test can proceed immediately.

h. Except for sandy soils, percolation rate measurements should be made at least 4 hours, but no more than 24 hours, after the soaking period began. Any soil that sloughed into the hole during the soaking period shall be removed, and the water level shall be adjusted to six inches above the gravel (or eight inches above the bottom of the hole). At no time during the test is the water level allowed to rise more than six inches above the gravel.

i. Immediately after adjustment, the water level shall be measured from a fixed reference point to the nearest $\frac{1}{8}$ inch at 30-minute intervals. The test is continued until two successive water level drops do not vary by more than $\frac{1}{8}$ inch. At least three measurements shall be made.

j. After each measurement, the water level shall be readjusted to the six-inch level. Use the last water level drop to calculate the percolation rate.

k. In sandy soils, or soils in which the first six inches of water added after the soaking period seep away in less than 30 minutes, water level measurements shall be made at ten minute intervals for a one hour period. Use the last water level drop to calculate the percolation rate.

l. The percolation rate shall be calculated for each test hole by dividing the time interval between measurements by the magnitude of the last water level drop. This calculation results in a percolation rate in terms of minutes per inch.

(1) To determine the percolation rate for the area, average the rates obtained from each hole.

(2) If tests in the area vary by more than 20 minutes per inch, variations in soil type are indicated. Under these circumstances, percolation rates should not be averaged.

(3) Example: If the last measured drop in water level after 30 minutes is $\frac{5}{8}$ inch, the percolation rate = $(30 \text{ minutes})/(\frac{5}{8} \text{ inch}) = 48 \text{ minutes/inch}$.

Appendix C - Mound System Construction Design Standards

Mound fill material.

a. A mound shall be constructed using clean, medium-textured sand (a.k.a. concrete sand). The sand size shall be such that:

- (1) At least 25 percent by weight shall have a diameter between 2.0 and 0.25 millimeter (mm);
- (2) Less than 35 percent by weight, a diameter between 0.25 and 0.05 mm; and
- (3) Less than 5 percent by weight, a diameter between 0.05 and 0.002 mm.

b. Rock fragments larger than 1/16 inch (2.0 mm) shall not exceed 15 percent by weight of the material used for mound fill.

Mound construction details.

a. There shall be a minimum of three feet of fill material and undisturbed naturally occurring soils between the bottom of the washed gravel and the highest elevation of the confining layer in accordance with 69.5(6) "a"(3) "2."

b. Gravel shall meet the requirements specified in 69.5(2) "a."

c. From one to two feet of medium-textured sand (depending upon the underlying soil depth, see "a" above) must be placed between the bottom of the gravel and the top of the plowed surface of the naturally occurring soil.

d. Mound system absorption beds shall be installed with the long dimension parallel to the land contour. Systems on steep slopes with slowly permeable soils should be narrow to reduce the possibility of toe seepage.

e. Minimum spacing between distribution pipes shall be four feet, and a minimum of three feet shall be maintained between any trench and the sidewall of the mound.

f. No soil under or up to 50 feet downgradient of the mound may be removed or disturbed except as specified herein.

g. Construction equipment that would cause undesirable compaction of the soil shall be kept off the base area. Construction or plowing shall not be initiated when the soil moisture content is high. If a sample of soil from approximately nine inches below the surface can be easily rolled into a 1/8- to 1/4-inch diameter wire 1 1/2 inches long or more, the soil moisture content is too high for construction purposes.

h. Aboveground vegetation shall be closely cut and removed from the ground surface throughout the area to be utilized for the placement of the fill material.

i. The area shall be plowed to a depth of eight inches, parallel to the land contour, with the plow throwing the soil up slope to provide a proper interface between the fill and the natural soil. Tree stumps should be cut flush with the surface of the ground, and roots should not be pulled.

j. The base absorption area of the mound shall be calculated using the flow rate and the results of the percolation rate test or soil analysis as indicated in Table IIa or IIb of 69.5(1) "g"(1).

k. The area of the sand fill material shall be sufficient to extend at least three feet beyond the edge of the gravel area before the sides are shaped to at least a 3:1 slope.

Distribution system.

a. The distribution pipe for a mound system shall:

(1) Either be SCH 40 or 80 PVC pipe (SDR 26 or stronger), with a one-inch nominal diameter, or an equivalent design that ensures proper distribution.

(2) Have either a single row of 1/4-inch perforations in a straight line 30 inches on center along the length of the pipe or an equivalent design that ensures uniform distribution. No perforations shall be permitted within three inches of the outer ends of any distribution pipe. All joints and connections shall be solvent-cemented.

(3) Be placed in the clean, washed gravel with holes downward. The gravel shall be a minimum of six inches in depth below the pipe and two inches in depth above the pipe.

b. The outer ends of all pressure distribution lines shall be turned up, with either a long 90-degree elbow or two 45-degree elbows, to allow for cleaning. The outer ends shall have a screw-on cap and cover that shall be accessible from the ground surface without excavation.

c. The central pressure manifold should consist of 1½- or 2-inch solid plastic pipe and should use either a tee for connecting the distribution lines or an equivalent design that ensures uniform distribution.

d. Construction should be initiated immediately after preparation of the soil interface by placing all of the sand fill material needed for the mound (to the top of the trench) to a minimum depth of 21 inches above the plowed surface. This depth will permit excavation of the trenches to accommodate the six inches of washed gravel or crushed stone necessary for the distribution piping.

e. The absorption trench or trenches shall be hand-excavated into the sand. Trench bottoms shall be level.

f. Six inches of gravel shall be placed in the trench and leveled. After the distribution pipe is placed, the pipe shall be covered with a minimum of two inches of gravel.

g. The entire sand and gravel area shall be covered with synthetic drainage fabric or other material approved by the administrative authority.

h. After installation of the distribution system, the system shall be pressure-tested before it is covered with gravel.

i. The entire mound shall be:

(1) Covered with topsoil native to the site or of similar characteristics to support vegetation found in the area;

(2) Crowned by providing a minimum of six inches of topsoil on the side slopes, with a minimum of 12 inches of topsoil over the center of the mound; and

(3) Seeded, sodded, or otherwise provided with a grass cover to ensure stability of the installation.

j. The area surrounding the mound shall be graded to provide for diversion of surface runoff water.

Dosing.

a. Pump dosing shall be required for mound systems.

b. The dosing volume shall be three to ten times the distribution piping network volume, but not more than 25 percent of the design flow shall be applied to the soil in one dose.

c. The dosing pump shall be capable of maintaining a squirt height of three feet above the pipe at the outer ends of the distribution lines. All lines shall have an equal squirt height above the pipe to maintain equal distribution.

Appendix D - At-Grade System Construction Design Standards

At-grade system construction details.

a. There shall be a minimum of three feet of undisturbed naturally occurring soils between the bottom of the gravel, chamber, or EPS aggregate in the at-grade system and the highest elevation of any confining layers.

b. An at-grade system may be installed up to 12 inches deep.

c. Gravel shall meet the requirements of 69.5(2)“*a.*” EPS aggregate or chambers are acceptable alternatives to gravel if the manufacturer’s specifications and installation procedures are followed and pressure pipe is used to adequately dose the entire bed.

d. At-grade system beds shall be installed with the long dimension parallel to the land contour. Systems on steep slopes with slowly permeable soils should be narrow to reduce the possibility of toe seepage.

e. Minimum spacing between distribution pipes shall be four feet, and a minimum of three feet shall be maintained between any trench and the sidewall of the at-grade.

f. No soils under or within 15 feet of any at-grade system may be disturbed. On sloping sites, no soils shall be disturbed within 10 feet uphill of the system and within 15 feet downhill of the system, plus an additional five feet for every 5 percent slope downhill.

g. Construction equipment that would cause undesirable compaction of the soil shall be kept off the base area. Construction or plowing shall not be initiated when the soil moisture content is high. If a sample of soil from approximately nine inches below the surface can be easily rolled into a 1/8-inch diameter wire 1½ inches long, the soil moisture content is too high for construction purposes.

h. Aboveground vegetation shall be closely cut and removed from the ground surface throughout the area to be utilized for the placement of the fill material.

i. The area shall be plowed to a minimum depth of six to eight inches, parallel to the land contour, with the plow throwing the soil up slope to provide a proper interface between the fill and the natural soil. Chisel teeth on a backhoe bucket shall be at least as long as the depth of plowing. Tree stumps should be cut flush with the surface of the ground, and roots should not be pulled. All work shall be done from the uphill side of the at-grade system.

j. The absorption bed area of the at-grade system shall be calculated using the flow rate and the results of the percolation rate test or soil analysis, as indicated in Table IIa or IIb of 69.5(1)“*g*”(1).

k. One foot of loamy cover material shall be installed over the bed. Cover shall extend at least five feet from the ends of the bed and be sloped to divert surface water. Side slopes shall not be steeper than 4:1. The upper six inches of the loamy soil cover must be topsoil borrow. Topsoil borrow must be of a quality that provides a good vegetative cover on the at-grade system.

Distribution system.

a. The distribution pipe(s) shall be:

(1) Either SCH 40 or 80 PVC pipe (SDR 26 or stronger), with a one-inch nominal diameter, or an equivalent design that ensures proper distribution.

(2) Provided with either a single row of 1/4-inch perforations in a straight line 30 inches on center along the length of the pipe or an equivalent design that ensures uniform distribution. No perforations shall be permitted within three inches of the outer ends of any distribution pipe. All joints and connections shall be solvent-cemented.

(3) Be placed in the clean, washed gravel (or crushed limestone as described in 69.5(3)“*a*”(3)), with holes downward. The gravel shall be a minimum of six inches in depth below the pipe and two inches in depth above the pipe.

(4) Installed in the center of the gravel bed on slopes less than one percent and on the upslope edge at the gravel bed absorption width on slopes one percent or greater.

b. The outer ends of all pressure distribution lines shall be turned up, with either a long 90-degree elbow or two 45-degree elbows, to allow for cleaning. The outer ends shall have a screw-on cap and cover that shall be accessible from the ground surface without excavation.

c. The central pressure manifold should consist of 1½- or 2-inch solid plastic pipe and should use either a tee for connecting the distribution lines or an equivalent design that ensures uniform distribution.

d. The top of the gravel, chambers, or EPS aggregate shall be covered with synthetic drainage fabric or other material approved by the manufacturer or administrative authority.

e. After installation of the distribution system, the system shall be pressure-tested before it is covered with gravel.

f. The entire at-grade system shall be:

(1) Covered with topsoil native to the site or of similar characteristics to support vegetation found in the area;

(2) Crowned by providing a minimum of 6 inches of topsoil on the side slopes, with a minimum of 12 inches of topsoil over the center of the at-grade system; and

(3) Seeded, sodded, or otherwise provided with a grass cover to ensure stability of the installation.

g. The area surrounding the at-grade system shall be graded to provide for diversion of surface runoff water.

Dosing.

a. Pump dosing shall be required for at-grade systems.

b. The dosing volume shall be three to ten times the distribution piping network volume, but not more than 25 percent of the design flow shall be applied to the soil in one dose.

c. The dosing pump shall be capable of maintaining a squirt height of three feet above the pipe at the outer ends of the distribution lines. All lines shall have an equal squirt height above the pipe to maintain equal distribution.

Appendix E - Soil Absorption Bed System Construction Design Standards

Soil absorption bed system construction details.

a. A soil absorption bed system may only be used when site restrictions limit the use of a conventional system.

b. Soil absorption bed system placement shall be limited to areas having natural slopes of less than six percent. Absorption areas for seepage beds and trenches shall not be placed in soils with a percolation rate exceeding 30 minutes per inch or a loading rate of less than 0.40 gpd/ft².

c. Soil absorption bed systems shall not be wider than 12 feet if gravity distribution is used and 25 feet if pressure distribution is used.

d. Natural, undisturbed soil must exist between multiple soil absorption beds. Multiple soil absorption beds shall be spaced at one-half the bed width.

Distribution.

a. If gravity distribution is used in a soil absorption bed system, the bed absorption area shall be calculated by dividing the design flow by the soil loading rate in 69.5(1) "g"(1) Tables IIa and IIb, multiplied by 1.5.

b. Distribution piping for gravity distribution in a soil absorption bed system shall be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the seepage bed.

c. If pressure distribution is used in seepage beds, the seepage bed absorption area shall be determined by dividing the design flow by the soil loading rate in 69.5(1) "g"(1) Tables IIa and IIb.

d. Pressure distribution shall be used in soil absorption bed systems when the distribution media is in contact with any soil textures classified as sand or loamy sand or when the system is placed in soils with a percolation rate of 0.1 to 5 minutes per inch.

e. Pressure distribution piping in soil absorption bed systems must be spaced no further than 36 inches apart and no further than 24 inches from the outside edge of the bed.

Appendix F - Intermittent Subsurface Sand Filter (ISSF) Construction Design Standards

ISSF filter sizing.

a. Residential systems.

- (1) Gravity flow. Residential ISSFs shall be sized at a rate of 240 ft² of surface area per bedroom.
- (2) Siphon- or non-pressure dosed. Residential ISSFs dosed by a dosing siphon or other non-pressure dosed system shall be sized at a rate of 180 ft² of surface area per bedroom.
- (3) Pressure-dosed. Residential ISSFs dosed by a pump shall be sized at a rate of 150 ft² of surface area per bedroom.

b. Non-residential. Effluent application rates for commercial ISSFs treating domestic waste shall not exceed the following:

- (1) 1.0 gal/ft²/day.
- (2) The total surface area for any non-residential ISSF shall not be less than 200 ft².

c. Dosing. The dosing system shall be designed to cover the entire filter bed during the dosing cycle. A dosing frequency of greater than twice per day is recommended.

Collection pipelines.

a. Each ISSF shall contain a horizontal set of collector lines.

b. The collector lines shall be either equivalent to SDR 35 PVC pipe (or stronger), 10-inch diameter gravelless drainage technology, EPS aggregate, chamber, or other suitable materials approved by the administrative authority.

c. One collector line shall be provided for each six feet of width or fraction thereof. A minimum of two collector lines shall be provided.

d. Collector lines shall be laid to a grade of one inch in ten feet (or 0.5 percent to 1.0 percent).

e. Each collector line shall be vented or connected to a common vent. Vents shall either extend at least 12 inches above the ground surface with the outlet either screened, provided with a 180-degree elbow, or provided with a perforated cap.

f. Gravelless drainage technology with a synthetic mesh wrap may be used for the collector lines. If a synthetic mesh wrap is used, no gravel or pea gravel is required to cover the collector lines and the pipe shall be bedded in filter sand.

g. EPS aggregate may be used for the collection system as an alternative to gravel and rigid PVC pipe. If used, EPS aggregate shall meet requirements equivalent to 69.5(5), follow the manufacturer's specifications and installation procedures, and cover the bottom of the sand filter. A six-foot separation between collection pipes shall be maintained. Fabric filter meeting the requirements of "h"(2) below shall be used instead of washed pea gravel.

h. If four-inch plastic pipe with perforations is used for the collector lines, the lines shall be covered as follows:

(1) Gravel $\frac{3}{4}$ inch to 2 $\frac{1}{2}$ inches in size shall be placed around and over the lower collector lines until there is a minimum of 4 inches of gravel over the pipes; and

(2) The gravel shall be overlaid with a minimum of three inches of washed pea gravel, $\frac{1}{8}$ -inch to $\frac{3}{8}$ -inch in size, interfacing with the filter media. A layer of fabric filter may be used in place of the pea gravel. If used, fabric filters must either be 30 by 50 mesh with a percolation rate of at least five gallons/ft²/minute, or a material that allows for adequate air and water movement into the collector lines, per manufacturer specifications and as approved by the administrative authority.

i. A minimum of 24 inches of coarse washed sand shall be placed over the pea gravel or above the gravelless drainfield pipe. The sand shall meet the Iowa DOT standards for concrete sand, as follows:

- (1) 100 percent of the sand shall pass a 9.5 mm screen,
- (2) 90 to 100 percent shall pass a 4.75 mm screen,
- (3) 70 to 100 percent shall pass a 2.36 mm screen,

(4) 10 to 60 percent shall pass a 600 Tm screen, and

(5) 0 to 1.5 percent shall pass a 75 Tm screen.

j. The discharge pipe that extends from the collection system shall be solid SDR 35 PVC pipe (or stronger) at a minimum.

Distribution system and cover.

a. Six inches of gravel $\frac{3}{4}$ inch to $2\frac{1}{2}$ inches in size or other material as discussed in this section shall be placed upon the sand in the ISSF.

b. Distribution lines shall be level and horizontally spaced a maximum of three feet apart, center to center. Distribution lines shall be rigid, perforated PVC pipe if used with a gravel base. Pipe should meet requirements equivalent to 69.5(2) “*d*”(2) and “*d*”(3), or an equivalent design that ensures proper distribution.

c. For ISSFs using gravity distribution, venting shall be placed on the downstream end of the distribution lines, with each distribution line being vented or connected to a common vent. Vents shall either extend at least 12 inches above the ground surface with the outlet screened, have a 180-degree elbow, or be provided with a perforated cap. A vent shall not be used on distribution lines for systems using pressure distribution.

d. Enough gravel shall be placed to cover the distributors.

e. Synthetic drainage fabric or other material approved by the manufacturer or administrative authority shall be placed upon the top of the upper layer of gravel.

f. A minimum of 12 inches of soil backfill shall be provided over the rock or other material as discussed in this section.

g. A distribution box shall be provided for each filter bed where gravity distribution is used. The distribution boxes shall be placed upon undisturbed earth outside the filter bed. Separate watertight lines shall be provided leading from the distribution boxes to each of the distributor lines in the beds.

h. EPS aggregate or chamber may be used for the distribution system as an alternative to gravel and rigid, perforated PVC pipe. If used, EPS aggregate or chamber shall meet requirements equivalent to 69.5(5), follow the manufacturer’s specifications and installation procedures, and cover the top of the sand filter. A three-foot separation between distribution pipes shall be maintained. If chamber is used, the system must be dosed.

i. Pressure dosing is recommended to improve effluent distribution across the surface of the filter. Pressure distribution systems may use either conventional rock and PVC pipe, chambers with small-diameter pipe, or EPS aggregate with small-diameter pipe. Distribution lines shall be level and shall be horizontally spaced a maximum of three feet apart, center to center.

(1) The distribution pipe for a pressure-dosed system shall either be SCH 40 or 80 PVC pipe (SDR 26 or stronger) with a one-inch nominal diameter, have either a single row of $\frac{1}{4}$ -inch perforations in a straight line 30 inches on center along the length of the pipe, or an equivalent design that ensures proper distribution.

(2) The distribution pipe for a siphon-dosed or other manufactured non-pump pressured device shall be either SCH 40 or 80 PVC pipe (SDR 26 or stronger), with a $1\frac{1}{2}$ -inch nominal diameter, holes $\frac{1}{4}$ to $\frac{5}{16}$ inches in size spaced every three feet, or an equivalent design that ensures proper distribution.

(3) It is recommended that the outer ends of all pressure type distribution lines be turned up with either a long 90-degree elbow or two 45-degree elbows to allow for maintenance. The outer ends should have a screw-on cap and cover and should be accessible from the ground surface.

(4) Holes in the distribution pipe shall be configured to evenly distribute the effluent.

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NATURAL RESOURCE COMMISSION[571]

[Prior to 12/31/86, see Conservation Commission [290], renamed
Natural Resource Commission[571]
under the “umbrella” of Department of Natural Resources by 1986 Iowa Acts, chapter 1245]

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CHAPTER 4

AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5

PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6

DECLARATORY RULINGS

[Prior to 8/5/87, see Conservation[290] Ch 6]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7

RULES OF PRACTICE IN CONTESTED CASES

[Prior to 9/7/88, see Conservation Commission[290] Ch 64]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
STATE MIGRATORY WATERFOWL, TROUT AND HABITAT
STAMP DESIGN CONTESTS
Rescinded **ARC 1755C**, IAB 12/10/14, effective 1/14/15

CHAPTER 10
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[Prior to 12/31/86, Conservation Commission[290] Ch 116]
[Prior to 9/21/88, Natural Resource Commission[571] Ch 8]
Rescinded **ARC 7889C**, IAB 5/1/24, effective 6/5/24

CHAPTER 11
WAIVERS FROM ADMINISTRATIVE RULES
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]

[Created by Iowa Code chapter 455G]

CHAPTER 1 GENERAL

1.1(455G)	Description of Iowa comprehensive petroleum underground storage tank fund board
1.2(455G)	Mission of the board
1.3(455G)	General course and method of operations
1.4(455G)	Location where public may submit requests for assistance or information
1.5(455G)	Potential conflicts of interest

CHAPTERS 2 to 8 Reserved

CHAPTER 9 UST FUND BOARD AUTHORITY TO TRANSFER LIABILITIES TO A THIRD PARTY (LOSS PORTFOLIO TRANSFERS)

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9.2(455G)	Board liability subsequent to a loss portfolio transfer
9.3(455G)	Minimum criteria to be evaluated
9.4(455G)	Proposal confidentiality
9.5(455G)	Requirement to seek bids
9.6(455G)	Proposal review

CHAPTER 10 Reserved

CHAPTER 11 CLAIMS

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11.2(455G)	Eligible claims
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11.4(455B,455G)	Tank and piping upgrades and replacements
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CHAPTER 13 COMMUNITY REMEDIATION

13.1(455G)	Definitions
13.2(455G)	General requirements
13.3(455G)	Contractor requirements
13.4(455G)	Contracts, change orders and final costs
13.5(455G)	Recovery of free product discovered during the completion of a site cleanup report in a community remediation or packaged community remediation project
13.6(455G)	Completion of corrective action design reports
13.7(455G)	Payment for corrective action and the completion of the corrective action design report when commingled plumes exist
13.8(455G)	Selection of a consultant when the plume of contamination is attributable to eligible and noneligible sites
13.9(455G)	Process for handling an owner/operator who does not want to participate in the corrective action phase of the corrective action community remediation or packaged community remediation project

CHAPTER 2
PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
BOARD PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DETERMINATION OR ADJUSTMENT OF COST FACTOR

[See also 701—Chapter 37]

Rescinded **ARC 3498C**, IAB 12/6/17, effective 1/10/18

CHAPTER 6
ADMINISTRATION OF THE ENVIRONMENTAL PROTECTION
CHARGE IMPOSED UPON PETROLEUM DIMINUTION

[See also 701—Chapter 37]

Rescinded **ARC 3498C**, IAB 12/6/17, effective 1/10/18

CHAPTERS 7 and 8
Reserved

CHAPTER 14
ABOVEGROUND PETROLEUM STORAGE TANK FUND
Rescinded **ARC 3498C**, IAB 12/6/17, effective 1/10/18

CHAPTER 15
INSTALLERS AND INSPECTORS
Rescinded IAB 8/15/07, effective 8/15/07

CHAPTER 16
WAIVERS
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 17
APPEALS—CONTESTED CASES
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

PUBLIC DEFENSE DEPARTMENT[601]

CHAPTER 1

FORMS FOR MILITARY PROCESS

1.1(29B) Forms

CHAPTER 2

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

2.1(17A,22)	Definitions
2.3 to 2.13	Reserved
2.14(17A,22)	Personally identifiable information
2.15(17A,22)	Federal records
2.16(17A,22)	Other groups of records
2.17(17A,22)	Data processing systems

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 8/21/91, see Public Defense Department[650] Ch 2]
[Prior to 12/1/21, see Military Division[611] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

601—2.1(17A,22) Definitions. As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “department of public defense”.

“*Custodian*.” Delete “agency” and insert “adjutant general”.

“*Federal records*” means all records, documents, tape, or other information, stored or preserved in any medium, the maintenance, use, or disclosure of which is governed by federal government law or regulation.

“*Records*” or “*state records*” means all or part of a “public record” as defined in Iowa Code section 22.1 but does not include federal records as here defined.

[Editorial change: IAC Supplement 12/1/21]

601—2.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

601—2.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

601—2.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

601—2.11(17A,22) Consensual disclosure of confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

601—2.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

601—2.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

601—2.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 2.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

2.14(1) Quartermaster supply records prepared under the authority of Iowa Code sections 29A.19 and 7A.30. Request for examination of these records which are retrievable by personal identifier will be directed to the Office of the State Quartermaster, Camp Dodge. Records are maintained on AGO Form 1-5 for hard copy and computer generated files.

2.14(2) Purchase and disposition of real property records, prepared under the authority of Iowa Code chapter 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Real estate records are available in hard copy format.

2.14(3) Armory board minutes including supporting documentation are prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard copy format.

2.14(4) Armory lease records including supporting documentation are prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard copy format.

2.14(5) Headquarters allowance and per capita allowance records and documentation for expenditures made from these accounts are prepared under the authority of Iowa Code sections 29A.33 and 29A.57(8). Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard copy format.

2.14(6) State contracting files prepared under the authority of Iowa Code section 72.1 which include personally identifiable information in the form of bidders lists, requests for quotation, professional contracts, vendors lists, wage rates, purchase orders, claim orders, and project books. Sealed bids become public information once the bid opening has been completed. The information is maintained in hard copy and may be obtained from the Facilities Office, Camp Dodge.

2.14(7) Personnel files. The agency maintains files containing information about state employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

[Editorial change: IAC Supplement 12/1/21]

601—2.15(17A,22) Federal records. Pursuant to Iowa Code section 22.9, the department of public defense finds that maintenance, use or disclosure of federal records described in this subsection, except as allowed by federal law and regulation, would result in denial to the agency of United States government funds, services and essential information that would otherwise definitely be available and have in the past been available to the agency. Iowa Code section 29A.5 provides that the Iowa National Guard shall be subject to the provisions of federal laws and regulations. Applicable federal laws and regulations include: 32 U.S.C. 105 (providing that Army National Guard records shall be kept in accordance with Title 32 of the United States Code), 32 U.S.C. 108 (providing that federal funds may be barred from a state national guard where compliance with Title 32 is not maintained), 5 U.S.C. 552 stating the manner in which federal records shall be made available to the public, and Air Force regulation 12-35 (June 3, 1985), Army Regulation 340-21 (July 5, 1985), National Guard Regulation 340-17 and Air National Guard Regulation 12-30 (all of which relate to maintenance and public availability of federal records). Copies of the regulations may be obtained at the cost of reproduction from the office of the Adjutant General, Camp Dodge, 7700 Northwest Beaver Drive, Johnston, Iowa 50131-1902.

2.15(1) The department of public defense maintains the following categories of federal records, the maintenance of which is governed by federal law and regulation:

a. Personnel records. This category contains biographical, medical, and career development data on civilian and military personnel who are employed by the federal government.

b. Fiscal records. This category contains the record of service for pay, allowances, and retirement on civilian and military personnel who are employed by the federal government. It further includes budget and financial data required for audit purposes.

c. Training records. This category contains the training activities, accomplishments, and objectives of units, and personnel civilian and military who are employed by the federal government.

d. Legal files. This category contains legal assistance records, claims and litigation against the United States, contracts review, and attorney work product.

e. Inspector general files. This category contains records of evaluation of units, personnel assistance, and recommendations of the office of the inspector general.

f. Operations records. This category contains information on the movement of personnel and equipment to meet the mission requirements of the Army and Air Force.

g. Equipment maintenance records. This category contains the functional or repair status of military equipment maintained by the Army and Air National Guard.

h. Procurement record. This category contains a history of acquisition goods and services by the United States Property and Fiscal Office at Camp Dodge.

i. Equipment inventories. This category contains a record of property accounts for all federal equipment issued to the Iowa Air or Army National Guard.

j. Publications library. This category contains federal publications, regulations, directives and pamphlets which provide procedural guidance for the operations and activities of the Iowa National Guard.

The federal records described in paragraphs “a” to “e” above, contain personally identifiable information compiled under the authority of Iowa Code chapter 29A and Title 32 United States Code, Section 105, and implementing regulations. A more comprehensive description of the above noted federal records is contained in Air Force Regulation 12-50, “Disposition of Air Force Records,” and Department of the Army regulations 340-18, “The Army Functional File System.”

[Editorial change: IAC Supplement 12/1/21]

601—2.16(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems defined in rule 2.1(17A,22). These records are routinely available to the public. However, the agency’s files of these records may contain confidential information, as discussed in rule 2.13(17A,22). In addition, the records may contain information about individuals.

2.16(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

2.16(2) Publications. News releases, literature, reports, newsletters from various military associations or from the federal government are available from the public affairs officer, department of public defense. Agency news releases, project reports and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

2.16(3) All other records that are not exempted from disclosure by law.

[Editorial change: IAC Supplement 12/1/21]

601—2.17(17A,22) Data processing systems. Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

[Editorial change: IAC Supplement 12/1/21]

601—2.18(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapter 22 and section 29A.12.

[Filed 4/29/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed emergency 8/5/91—published 8/21/91, effective 8/21/91]

[Editorial change: IAC Supplement 12/1/21]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

[Prior to 12/23/92, see Disaster Services Division[607]; renamed Emergency Management Division
by 1992 Iowa Acts, chapter 1139, section 21]

[Prior to 3/31/04, see Emergency Management Division[605]; renamed Homeland Security and
Emergency Management Division by 2003 Iowa Acts, chapter 179, section 157]

[Prior to 10/16/13, see Homeland Security and Emergency Management Division[605]; renamed
Homeland Security and Emergency Management Department by 2013 Iowa Acts, House File 307,
section 2]

CHAPTER 1 ORGANIZATION

1.1(29C)	Description
1.2(29C)	Definitions
1.3(29C)	Facilitating business rapid response to state-declared disasters

CHAPTER 2 UNIFORM RULES ON AGENCY PROCEDURE

2.1 to 2.3	Reserved
2.4(17A,29C)	Fair information practices

CHAPTERS 3 to 6 Reserved

CHAPTER 7 LOCAL EMERGENCY MANAGEMENT

7.1(29C)	Scope and purpose
7.2(29C)	Definitions
7.3(29C)	Local emergency management commission
7.4(29C)	Local emergency management coordinator
7.5(29C)	Commission personnel
7.6(29C)	Damage assessment and financial assistance for disaster recovery
7.7(29C)	Emergency management performance grant (EMPG) program

CHAPTER 8 CRITERIA FOR AWARDS OR GRANTS

8.1(29C,17A)	Purpose
8.2(29C,17A)	Definitions
8.3(29C,17A)	Exceptions
8.4(29C,17A)	Public notice of available competitive grants
8.5(29C,17A)	Requirements
8.6(29C,17A)	Review process (competitive applications only)
8.7(29C,17A)	Opportunity for review and comment
8.8(29C,17A)	Awards

CHAPTER 9 IOWA COMPREHENSIVE PLAN

9.1(29C)	Description and public access
9.2(29C)	Iowa Emergency Response Plan
9.3(29C)	Iowa Hazard Mitigation Plan
9.4(29C)	Iowa Disaster Recovery Plan

CHAPTER 10 911 TELEPHONE SYSTEMS

10.1(34A)	Program description
10.2(34A)	Definitions
10.3(34A)	Joint 911 service boards

10.4(34A)	911 service plan
10.5(34A)	Wireline 911 surcharge
10.6(34A)	Wireline 911 surcharge exemptions
10.7(34A)	Emergency communications service surcharge
10.8(34A)	Prepaid wireless 911 surcharge
10.9(34A)	911 service fund
10.10(34A)	NG911 Network Implementation and Operations Plan
10.11(34A)	Minimum operational and technical standards
10.12(34A)	Waivers, variance request, and right to appeal
10.13(34A)	Administrative hearings and appeals

CHAPTER 11 EMERGENCY ASSISTANCE

DIVISION I

IOWA DISASTER AID INDIVIDUAL ASSISTANCE GRANT PROGRAM

11.1(29C)	Definitions
11.2(29C)	Program implementation
11.3(29C)	Application for assistance
11.4(29C)	Eligibility criteria
11.5(29C)	Eligible categories of assistance
11.6(29C)	Eligibility determination and payment
11.7(29C)	Contested cases
11.8(29C)	Discontinuance of program
11.9 to 11.20	Reserved

DIVISION II

IOWA DISASTER CASE ADVOCACY

11.21(29C)	Purpose
11.22(29C)	Definitions
11.23(29C)	Program implementation
11.24(29C)	Eligibility criteria
11.25(29C)	Services
11.26(29C)	Disaster-caused unmet needs
11.27(29C)	Resources
11.28(29C)	Standards and policies
11.29(29C)	Planning and training
11.30(29C)	Payment for services
11.31(29C)	Contested cases

CHAPTER 12 HOMELAND SECURITY AND EMERGENCY RESPONSE TEAMS

12.1(29C)	Purpose
12.2(29C)	Definitions
12.3(29C)	Homeland security and emergency response teams
12.4(29C)	Use of homeland security and emergency response teams
12.5(29C)	Homeland security and emergency response team compensation
12.6(29C)	Alternate deployment of homeland security and emergency response teams

CHAPTER 13 SCHOOL SAFETY

DIVISION I

APPROVED WEAPON DETECTION SECURITY EQUIPMENT

13.1(90GA, HF2652)	Program implementation
13.2(90GA, HF2652)	Eligibility criteria
13.3(90GA, HF2652)	System security requirements
13.4(90GA, HF2652)	Data retention for storage of video and data
13.5 to 13.20	Reserved

DIVISION II GRANT PROGRAM

13.21(90GA, HF2652)	Definitions
13.22(90GA, HF2652)	Eligibility criteria

13.23(90GA,HF2652) Application process

CHAPTER 14 FLOOD MITIGATION PROGRAM

14.1(418) Purpose
14.2(418) Definitions
14.3(418) Board
14.4(418) Flood mitigation project eligibility
14.5(418) Applications
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CHAPTER 15 MASS NOTIFICATION AND EMERGENCY MESSAGING SYSTEM

15.1(29C) Purpose
15.2(29C) Definitions
15.3(29C) Application for access
15.4(29C) Operational plan and procedures

CHAPTER 16 NATURAL HAZARD MITIGATION FINANCING PROGRAM

16.1(29D) Statutory authority, purpose, and general policy
16.2(29D) Definitions
16.3(29D) IUP preparation and public participation
16.4(29D) IUP contents

CHAPTERS 17 to 99

Reserved

*IOWA EMERGENCY RESPONSE
COMMISSION*

CHAPTERS 100 and 101

Reserved

CHAPTER 102 EMERGENCY PLANNING AND REPORTING

DIVISION I—EMERGENCY PLANNING DISTRICTS

102.1(30) Designation and organization of emergency planning districts
102.2(30) Emergency planning districts—counties
102.3(30) Application to modify districts
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102.11(30) Appointment of local emergency planning committees (LEPCs)
102.12(30) LEPC members
102.13(30) LEPC duties
102.14(30) Emergency response plan development
102.15(30) LEPC office
102.16(30) LEPC meetings
102.17(30) Local emergency response plan submission
102.18 to 102.20 Reserved

DIVISION III—REPORTS AND RECORDS

102.21(30) Department of homeland security and emergency management
102.22(30) Department of natural resources
102.23(30) References to federal law

CHAPTER 2
UNIFORM RULES ON AGENCY PROCEDURE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/14/31

605—2.1(17A,29C) Petitions for rulemaking. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

605—2.2(17A,29C) Declaratory orders. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

605—2.3(17A,29C) Agency procedure for rulemaking. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

605—2.4(17A,29C) Fair information practices.

2.4(1) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(2) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(3) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(4) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(5) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(6) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(7) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(8) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(9) Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

2.4(10) Federal records.

a. For federal records maintained by the department, a subject will provide a Privacy Act release in accordance with the requirements of Title 5 United States Code, Section 552, in writing, and signed by the subject of the record.

b. For federal records and forms, the United States government's determination of routine use and the consequences of failure to provide required or optional information as requested shall be provided to the supplier of the information.

c. Pursuant to Iowa Code section 22.9, the department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in the denial of United States government funds, services and essential information that would otherwise definitely be available and that have been available to the department in the past. The department has the authority to enter into agreements and contracts to obtain funds pursuant to Iowa Code chapter 29C. The department makes such agreements and contracts with the Federal Emergency Management Agency (FEMA) under the authority of Public Law 93-288 (The Robert T. Stafford Disaster Relief and Emergency Assistance Act) and an Emergency Management Performance Grant Agreement that specify categories of records and information that must be kept confidential. In addition, 44 CFR 5.71 specifies categories of records that are exempt from disclosure under 5 U.S.C. 552. These records include those containing personally identifiable information concerning applicants to individual assistance and mitigation assistance programs that are administered by the state under a presidentially declared disaster. Nuclear Regulatory Commission Title 10 CFR 73.21 relates to the physical protection of nuclear power plants and materials. This regulation requires that certain information contained in plans and documents on file with the department be kept confidential and include information concerning the physical protection at fixed sites; physical protection in transit; inspections, audits and evaluations; and correspondence insofar as it contains safeguards information.

[ARC 9816C, IAB 12/10/25, effective 1/14/26; Editorial change: IAC Supplement 7/8/26]

605—2.5(17A,29C) Contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A and 29C.

[Filed 7/18/90, Notice 6/13/90—published 8/8/90, effective 9/12/90]

[Filed 4/22/93, Notice 3/17/93—published 5/12/93, effective 6/16/93]

[Filed 7/18/00, Notice 5/17/00—published 8/9/00, effective 9/13/00]

[Filed Without Notice ARC 8933B, IAB 7/14/10, effective 8/18/10]

[Filed ARC 2293C (Notice ARC 2188C, IAB 10/14/15), IAB 12/9/15, effective 1/13/16]

[Filed ARC 9816C (Notice ARC 9610C, IAB 10/15/25), IAB 12/10/25, effective 1/14/26]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

PUBLIC EMPLOYMENT RELATIONS BOARD[621]

[Prior to 11/5/86, Public Employment Relations Board [660]]

CHAPTER 1**GENERAL PROVISIONS**

- 1.1(20) Construction and severability
- 1.2(20) General agency description
- 1.3(20) General course and method of operation
- 1.4(20) Method of obtaining information and making submissions or requests
- 1.5 Reserved
- 1.6(20) Definitions
- 1.7(20) Computation of time
- 1.8 and 1.9 Reserved
- 1.10(20) Agency record and files

CHAPTER 2

Reserved

CHAPTER 3**PROHIBITED PRACTICE PROCEEDINGS**

- 3.1(20) Filing of complaint
- 3.2(20) Contents of complaint
- 3.3(20) Clarification of complaint
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CHAPTER 1 GENERAL PROVISIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

621—1.1(20) Construction and severability. These rules shall be liberally construed to effectuate the purposes and provisions of the public employment relations Act. If any provisions of these rules are held to be invalid, it shall not be construed to invalidate any of the other provisions of these rules.

621—1.2(20) General agency description. The purpose of the public employment relations board established by the Public Employment Relations Act is to implement the provisions of the Act and adjudicate and conciliate employment related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include, but are not limited to, the following:

Determining appropriate bargaining units and conducting representation elections.

Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of the Act.

Adjudicating and serving as arbitrators regarding state merit system grievances and grievances arising under collective bargaining agreements between public employers and certified employee organizations.

Providing mediators and arbitrators to resolve impasses in negotiations.

Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

Preparing legal briefs and presenting oral arguments in the district courts, the court of appeals and the supreme court in cases affecting the board.

[ARC 8953B, IAB 7/28/10, effective 9/1/10]

621—1.3(20) General course and method of operation. Upon receipt of a petition or complaint, the board may assign an administrative law judge to process the case. The board may determine that the petition or complaint is without basis and dismiss it without further proceedings. Petitions and complaints not dismissed are assigned for a hearing before either an administrative law judge or the board, unless the procedures for informal settlement described in these rules are followed. The administrative law judge or the board will conduct a hearing on the complaint or petition and issue a decision and order. The decisions of administrative law judges are appealable to the board, and final orders and decisions of the board are appealable to the district court under the Iowa administrative procedure Act.

621—1.4(20) Method of obtaining information and making submissions or requests. Any person may obtain information from, make submission to, or make a request of the board by writing to Chairperson, Iowa Public Employment Relations Board, 510 East 12th Street, Suite 1B, Des Moines, Iowa 50319.

621—1.5(20) Petition for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—1.6(20) Definitions.

1.6(1) “*Act*” as used in these rules shall mean the public employment relations Act, Iowa Code chapter 20.

1.6(2) “*Board*” as used in these rules shall mean the public employment relations board. No official board action may be taken without the concurrence of at least two members of the board; provided, however, that when for compelling reasons only two members hear an appeal of a proposed decision in a contested case and the two members do not concur, the result shall be affirmation of the proposed decision. The board, in its discretion, may delegate to board employees duties which the Act does not specifically require be performed by the board.

1.6(3) *Petitioner—complainant—respondent—intervenor.*

- a. “*Petitioner*” means the party filing a petition under Iowa Code section 20.13 or 20.14.
- b. “*Complainant*” means the party filing a complaint under Iowa Code section 20.11, alleging the commission of a prohibited practice.
- c. “*Respondent*” means the party accused of committing a prohibited practice.
- d. “*Intervenor*” means a party who voluntarily interposes in a proceeding with the approval of the board or administrative law judge.

1.6(4) “*Party*” as used in these rules shall mean any person, employee organization or public employer who has filed a petition or complaint under the Act or these rules; who has been named as a party in a complaint, petition or other matter under these rules; or whose motion to intervene has been granted by the board.

1.6(5) “*Impasse item*” means any term which was a subject of negotiations and proposed to be included in a collective bargaining agreement upon which the parties have failed to reach agreement in the course of negotiations, except as provided for in 621—6.1(20). Failure of the parties to agree upon impasse procedures shall not constitute an impasse item or compel implementation of impasse procedures.

1.6(6) “*Impasse procedures*” means either the procedures set forth in Iowa Code sections 20.20 and 20.22 or any procedures agreed upon by the parties pursuant to Iowa Code section 20.19 which are designed to result in a binding collective bargaining agreement.

1.6(7) “*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 1998 Iowa Acts, chapter 1202, section 14.

1.6(8) “*Adjudicatory proceeding*” means a contested case, a proceeding that may culminate in a contested case, a petition for declaratory order, a petition for expedited resolution of a negotiability dispute, or any other proceeding which may require the board or its designee to issue a decision, order, or ruling.

1.6(9) “*Agency*” as used in these rules means the public employment relations board and the board’s employees.

1.6(10) “*Confidential information*” means information excluded from public access by federal or state law or administrative rule, court rule, court or administrative order, or case law.

1.6(11) “*Protected information*” means personal information, the nature of which warrants protection from unlimited public access, including:

- a. Social security numbers.
- b. Financial account numbers.
- c. Dates of birth.
- d. Names of minor children.
- e. Individual taxpayer identification numbers.
- f. Personal identification numbers.
- g. Other unique identifying numbers.
- h. Confidential information.

1.6(12) “*Public safety employee*” means a public employee who is employed as one of the following:

- a. A sheriff’s regular deputy.
- b. A marshal or police officer of a city, township, or special-purpose district or authority who is a member of a paid police department.
- c. A member, except a non-peace officer member, of the division of state patrol, narcotics enforcement, state fire marshal, or criminal investigation, including but not limited to a gaming enforcement officer, who has been duly appointed by the department of public safety in accordance with Iowa Code section 80.15.
- d. A conservation officer or park ranger as authorized by Iowa Code section 456A.13.
- e. A permanent or full-time fire fighter of a city, township, or special-purpose district or authority who is a member of a paid fire department.
- f. A peace officer designated by the department of transportation under Iowa Code section 321.477 who is subject to mandated law enforcement training.

1.6(13) “*Public safety unit*” means a bargaining unit with at least 30 percent of employees in the unit who are public safety employees or as required by Iowa Code section 20.32 for certain transit employees.

1.6(14) “*Supplemental pay*” means a payment of moneys or other thing of value that is in addition to compensation received pursuant to any other permitted subject of negotiation specified in Iowa Code section 20.9 and is related to the employment relationship.

[ARC 8953B, IAB 7/28/10, effective 9/1/10; ARC 1583C, IAB 8/20/14, effective 9/24/14; ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—1.7(20) Computation of time. Time periods established by these rules shall be computed pursuant to Iowa Code section 4.1(34).

621—1.8(20,279) Fees of neutrals. See rule 621—14.4(2).

621—1.9(17A,20) Waiver of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—1.10(20) Agency record and files.

1.10(1) *Agency record.* The official agency record for all adjudicatory proceedings includes the following:

- a. Electronic files maintained in the agency’s electronic document management system;
 - b. Paper documents maintained by the agency in paper form when permitted by the board’s order;
- and
- c. Exhibits and other materials filed with or delivered to and maintained by the agency as part of the case file.

1.10(2) *Paper case files.* Except as otherwise provided in the agency’s rules or directed by the board, the agency will not maintain paper case files in adjudicatory proceedings filed on or after January 1, 2015.

[ARC 1583C, IAB 8/20/14, effective 9/24/14]

These rules are intended to implement Iowa Code section 17A.9A and chapter 20.

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[Filed ARC 5631C (Notice ARC 5534C, IAB 3/24/21), IAB 5/19/21, effective 6/23/21]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 2
GENERAL PRACTICE AND HEARING PROCEDURES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
ADMINISTRATIVE REMEDIES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 10
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

621—12.1(17A,20,22) Definitions. As used in this chapter:

“*Agency*” means the public employment relations board or PERB.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the board or a person lawfully delegated authority to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

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

“*Record*” means the whole or a part of a public record as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

“*Routine use*” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected or is maintained. “Routine use” includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

[ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—12.2(17A,20,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.3(17A,20,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.4(17A,20,22) Procedures for access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.5(17A,20,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.6(17A,20,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.7(17A,20,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.8(17A,20,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.9(17A,20,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.10(17A,20,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.11(17A,20,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

621—12.12(17A,20,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 621—12.1(17A,20,22). Unless otherwise stated, the authority for this agency to maintain the record is provided by Iowa Code chapter 20, the statutes governing the subject matter of the record, and the enabling statutes of the agency, where applicable. The record systems maintained by the agency are:

12.12(1) Prohibited practice complaint case files. These files contain information which pertains to the alleged violation of Iowa Code chapter 20. A person, employee organization or public employer may file the documents contained in this type of case. Case files may include pleadings, briefs, notices, rulings, decisions, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, settlement offers, memoranda, and research materials. Cases contain personal information of the representatives and may contain personal information if the complainant or respondent is an individual. Further personal information may be included in testimony, exhibits, and other documents. Cases filed prior to January 1, 2015, are contained on the agency's network. Cases filed after January 1, 2015, are contained within the agency's electronic document management system. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files are maintained by the agency and are indexed by the case number. The files may contain materials which are confidential as attorney work product or contain settlement offers and mediators' documents. Some materials are confidential under other applicable provisions of law. Copies of documents or hearing recordings filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(2) Bargaining unit determination and representative certification case files. These files contain information which pertains to the establishment of appropriate bargaining units, conduct of secret ballot elections and monitoring of the merger, and affiliation and disaffiliation of certified employee organizations. A person, employee organization or public employer may file the documents contained in these types of cases. Case files may include pleadings, briefs, tally of ballots, notices, rulings, decisions, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, settlement offers, memoranda, research materials, and investigation materials. Cases contain personal information of the representatives and may contain personal information if the petitioner or respondent is an individual. Further personal information may be included in transcript testimony, exhibits, and other documents. Cases filed prior to January 1, 2015, are contained on the agency's network. Cases filed after January 1, 2015, are contained within the agency's electronic document management system. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files are maintained by the agency and are indexed by the case number. Further personal information may be included in testimony and exhibits. The files may contain materials which are confidential as attorney work product, shows of interest, settlement offers and mediators' notes. Some materials are confidential under other applicable provisions of law. Copies of documents or hearing recordings filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(3) Retention and recertification election case files. These files contain information which pertains to the conduct of a retention and recertification election. A person, employee organization or public employer may file the documents contained in this type of case. Case files include pleadings, notices, voter lists, tally of ballots, orders, challenges, and objections. Cases contain personal information of the representatives. Further personal information may be included in testimony, exhibits, and other

documents. The public employer is required to send to the agency a listing of employees eligible to vote in the recertification elections. The files located on the agency's network may contain materials which are confidential as attorney work product, shows of interest, settlement offers and mediators' notes. Some materials are confidential under other applicable provisions of law. Copies of documents filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(4) Negotiability dispute case files. These files contain information which pertains to specific contract proposals and whether a specific contract proposal is a mandatory, permissive or excluded subject of bargaining under Iowa Code section 20.9. An employee organization or public employer may file the documents contained in this type of case. Such files contain documents concerning the agency's determination of the negotiability question. The records may include pleadings, briefs, notices, rulings, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, memoranda, research materials, and information compiled under the direction of the agency. Cases contain personal information of the representatives. Cases filed prior to January 1, 2015, are contained on the agency's network. The files may contain materials which are confidential as attorney work product and contain settlement offers and mediators' documents. Some materials are confidential under other applicable provisions of law. Cases filed after January 1, 2015, are contained within the agency's electronic document management system. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files are maintained by the agency and are indexed by the case number. Copies of documents or hearing recordings filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(5) Declaratory order case files. These files contain information which pertains to applicability of a statute, rule or order within the primary jurisdiction of the agency. A person, employee organization or public employer may file the documents contained in this type of case. Such files contain documents concerning the agency's determination of that question. The records may include pleadings, notices, rulings, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, memoranda, research materials, and information compiled under the direction of the agency. Cases contain personal information of the representatives and may contain personal information of the petitioner or respondent if the petitioner or respondent is an individual. Further personal information may be included in testimony, exhibits, and other documents. Cases filed prior to January 1, 2015, are contained on the agency's network. Cases filed after January 1, 2015, are contained within the agency's electronic document management system. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files may contain materials which are confidential as attorney work product, settlement offers and mediators' notes. Some materials are confidential under other applicable provisions of law. The files are maintained by the agency and are indexed by the case number. Copies of documents or hearing recordings filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(6) Contract negotiation impasse files. These files contain information which pertains to the public employer and certified employee organization's negotiations. An employee organization or public employer may file the documents contained in the file. The records may include the request for impasse services, assignment of a mediator, interest arbitration list, selection letters, and correspondence regarding mediation and interest arbitration hearings. Mediators may maintain assigned impasse files which contain confidential documents related to the mediation. Files contain personal information of the representatives. The files are maintained by the agency and are indexed by the bargaining unit number. Electronic files will be kept for up to five years following the close of the arbitration. Copies of the documents contained in the files may be obtained through the agency.

12.12(7) Neutral files. The agency maintains biographical data on qualified mediators and arbitrators. A mediator's file contains an application, an acceptance letter, and the yearly mediator contract. An arbitrator's file contains an application, an acceptance letter, renewal applications, biographical sketches, letters of recommendation, a résumé, and decisions. Neutral files may also contain concerns expressed by employees or employer and employee organization representatives, material related to agency-conducted investigations, and information on hearings and decisions issued by the agency. Cases contain personal

information of the representatives and may contain personal information of the petitioner or respondent if the petitioner or respondent is an individual. Further personal information may be included in testimony, exhibits, and other documents. Neutral files contain personal information of the neutral and may contain personal information of employees and employer and employee organization representatives if they provide written comments regarding a neutral. The files may contain materials which are confidential as attorney work product, settlement offers and mediators' notes. Some materials are confidential under other applicable provisions of law. The files are maintained by the agency and are commonly indexed by the neutral's last name. Biographical sketches of neutrals are located on the agency's website. Copies of documents contained in these files may be obtained through the agency.

12.12(8) Employee organization files. Employee organizations are required to file certain documents with the agency prior to certification and annually. An employee organization's representative files the documents contained in the file. The records include the certified employee organization's constitution and bylaws, amended constitution and bylaws, registration reports, annual reports, correspondence, bargaining unit description and subsequent amendments. The employee organization files contain personal information of the representatives. Further personal information may be included in testimony and exhibits. Employee organization files are electronic and can be located in suPERB. The files are maintained by the agency and are indexed by the certified employee organization in paper files and by certified employee organization number if the files are on the agency's electronic document management system. Copies of the documents contained in these files may be obtained through the agency or the agency's electronic document management system.

12.12(9) State employee appeals of grievance decisions and disciplinary action case files. These files contain appeals from a response from the Iowa department of administrative services regarding an employee's grievance or appeal of a disciplinary action. A person or representative may file the documents contained in this type of case. These files contain information which pertains to the appeal. The records may include the appeal form and attachments, pleadings, briefs, notices, rulings, decisions, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, settlement offers, memoranda, and research materials. Cases contain personal information of the representative and the employee. Further personal information may be included in testimony, exhibits, and other documents. Cases filed prior to January 1, 2015, are contained on the agency's network. Cases filed after January 1, 2015, are contained within the agency's electronic document management system. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files are maintained by the agency and are indexed by the case number. The files may contain materials which are confidential as attorney work product and contain settlement offers and mediators' documents. Some materials are confidential under other applicable provisions of law. Copies of documents or hearing recordings filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(10) Public safety unit determination case files. These files contain information which pertains to whether a bargaining unit is a public safety unit. An employee organization or public employer may file the documents contained in this type of case. Such files contain documents concerning the agency's determination of that question. The records may include pleadings, notices, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, memoranda, research materials, and information compiled under the direction of the agency. Cases contain personal information of the representatives and may contain personal information of employees. Further personal information may be included in testimony, exhibits, and other documents. Cases are contained within the agency's electronic document management system or suPERB. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files are maintained by the agency and are indexed by the case number. The files may contain materials which are confidential as attorney work product, settlement offers and mediators' notes. Some materials are confidential under other applicable provisions of law. Copies of documents or hearing recordings filed in these cases may be obtained through the agency or the agency's electronic document management system.

12.12(11) Other Iowa Code chapter 20 case files. These files contain information which pertains to objections which an employer or employee organization may make when impasse procedures are not completed prior to the applicable deadline for completion of impasse procedures, challenges which an employee organization or employer may make when the voter eligibility is challenged, and challenges which an employee organization may make postelection in retention and recertification elections. An employee organization or public employer may file the documents contained in this type of case. Further personal information may be included in testimony, exhibits, and other documents. Such files contain documents concerning the agency's determination of the question. The records may include pleadings, notices, orders, exhibits, transcripts, docket sheets, general correspondence, attorneys' notes, memoranda, research materials, and information compiled under the direction of the agency. Cases contain personal information of the representatives and may contain personal information of employees. Cases are contained within the agency's electronic document management system or suPERB. If the case went to hearing, the hearing may have been recorded by mechanical means, and a copy of the recording may be available. The files are maintained by the agency and are indexed by the case number. The files may contain materials which are confidential as attorney work product, settlement offers and mediators' notes. Some materials are confidential under other applicable provisions of law. Copies of documents or hearing recordings filed in these cases may be obtained through the agency.

12.12(12) Grievance, fact-finding and interest arbitration decisions. The agency maintains decisions issued by neutrals. Grievance arbitration decisions prior to the year 2000 are maintained on the agency's database, and copies of a decision may be obtained through the agency. Grievance arbitration decisions after the year 2000 which the parties agreed could be made public can be obtained through the agency's searchable database system. All fact-finding and interest arbitration decisions can be obtained through the agency's searchable database system.

12.12(13) Collective bargaining agreements. The agency maintains collective bargaining agreements negotiated between the public employer and the certified employee organization. Collective bargaining agreements negotiated prior to the year 2000 are maintained on the agency's database, and copies of these collective bargaining agreements may be obtained through the agency. Collective bargaining agreements negotiated after the year 2000 can be obtained through the agency's searchable database system.

12.12(14) Personnel files. The agency maintains files containing information about agency employees and applicants for positions with the agency. The files contain payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information may be confidential under Iowa Code sections 22.7(11) and 22.7(18).

12.12(15) Litigation files. These files or records contain information regarding litigation or anticipated litigation which involves the agency. The records include pleadings, briefs, docket sheets, documents, general correspondence, attorneys' notes, memoranda, research materials, and investigation materials. Litigation files may be paper files and may be kept up to five years in paper format or replaced immediately in electronic format if possible. The files are indexed by the name of the opposing party or case number. The files contain materials which are confidential as attorney work product. Some materials are confidential under other applicable provisions of law. Persons who wish to obtain copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

[ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—12.13(17A,20,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 621—12.1(17A,20,22). The records listed may contain information about individuals. Unless otherwise designated, the authority for this agency to maintain the record is provided by Iowa Code chapter 20, the statutes governing the subject matter of the record, and the enabling statutes of the agency, where applicable. All records are stored electronically unless otherwise noted.

12.13(1) Citizen inquiry and response files. Individuals and representatives write or email this agency on a variety of legal issues with regard to Iowa Code chapter 20. The agency does not generally provide legal advice to individuals but may provide general information.

12.13(2) Internal agency records. These records include agendas, minutes and materials presented during meetings.

12.13(3) Administrative records. These records include documents concerning budgets, property inventory, purchasing, yearly reports, office policies for employees, time sheets, and printing and supply requisitions.

12.13(4) Rule-making records. Official documents executed during the promulgation of agency rules and public comments are available for public inspection.

[ARC 4457C, IAB 5/22/19, effective 6/26/19; ARC 7011C, IAB 5/3/23, effective 6/7/23]

621—12.14(17A,20,22) Data processing systems. None of the data processing systems used by the agency compare personally identifiable information in one record system with personally identifiable information in another record system.

[ARC 4457C, IAB 5/22/19, effective 6/26/19]

621—12.15(17A,20,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A, 20, and 22.

[Filed emergency 9/19/88—published 10/5/88, effective 9/19/88]

[Filed 4/18/89, Notice 10/5/88—published 5/3/89, effective 6/7/89]

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[Filed 1/11/95, Notice 12/7/94—published 2/1/95, effective 3/8/95]

[Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 7/1/99]

[Filed emergency 7/1/04—published 7/21/04, effective 7/30/04]

[Filed ARC 4457C (Notice ARC 4365C, IAB 3/27/19), IAB 5/22/19, effective 6/26/19]

[Filed ARC 7011C (Notice ARC 6912C, IAB 2/22/23), IAB 5/3/23, effective 6/7/23]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

PUBLIC SAFETY DEPARTMENT[661]

Rules transferred from agency number 680 to 661 to conform with the reorganization numbering scheme in general

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1.3(17A)	Offices
1.4(17A)	Methods by which and location where the public may obtain information or make submissions or requests
1.5	Reserved
1.6(17A)	Legal advice
1.7(17A)	Surety companies
1.8(17A)	Construction of rules

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CHAPTER 3 SHERIFF'S UNIFORMS

3.1(17A,331)	General provisions
3.2(17A,331)	Uniform

CHAPTERS 4 and 5 Reserved

CHAPTER 6 VEHICLE IMPOUNDMENT

6.1(17A,321)	Vehicle impoundment
6.2(17A,321)	Vehicles which may be impounded immediately
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6.4(17A,321)	Impoundment procedure
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8.105(80,692)	Subpoenas and court orders
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DIVISION II CRIMINAL INTELLIGENCE INFORMATION

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13.9(17A,80)	Background investigation
13.10(17A,80)	Weapons permit
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18.6(321L)	Numbers of parking spaces for persons with disabilities required in off-street parking facilities
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[Ch 9 as appeared prior to 6/27/79 is published as follows: Rule 9.1 rescinded and 9.100 to 9.105 renumbered as 15.1 to 15.6]

[Prior to 4/20/88, see Public Safety Department[680] Ch 9]
Rescinded IAB 11/8/06, effective 1/1/07

CHAPTER 10
PRACTICE AND PROCEDURE BEFORE THE DEPARTMENT OF PUBLIC SAFETY

[Ch 10 as appeared in 1973 IDR, transferred to Transportation Department]

[Prior to 4/20/88, see Public Safety Department, 680—Ch 10]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11
IDENTIFICATION SECTION OF THE DIVISION OF CRIMINAL INVESTIGATION

[Rules 11.1 to 11.7 appeared as 4.3 prior to 6/27/79]

[Prior to 4/20/88, see Public Safety Department[680] Ch 11]

Rescinded IAB 7/14/10, effective 9/1/10

CHAPTER 12
CRIMINALISTICS LABORATORY

[Rules 12.1 to 12.11 appeared as 4.5 prior to 6/27/79]

[Prior to 4/20/88, see Public Safety Department[680] Ch 12]

Rescinded IAB 11/22/06, effective 1/1/07. See 661—Chapter 150.

CHAPTER 41
PAYMENT OF SMALL CLAIMS TO EMPLOYEES
[Prior to 5/23/07, see 661—Ch 14]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

661—41.1(17A,80) Authorization to reimburse. The department is authorized to expend up to \$150 per item, or any other amount authorized by a collective bargaining agreement to which an individual employee is subject, as reimbursement for replacement or repair of personal items pursuant to Iowa Code section 80.18. The following requirements apply for filing such claims with the department:

41.1(1) An employee making a claim for reimbursement will provide the employee's immediate supervisor with a detailed written account of the circumstances under which the loss occurred; a description of the nature and ownership of the item destroyed or damaged; and any available information, including the names and other identifiers of any witness, that can be used to verify the loss.

41.1(2) An employee filing a claim for reimbursement pursuant to this rule will also provide the employee's immediate supervisor with vendors' estimates of replacement costs and with estimates of repair costs of damaged items.

41.1(3) Reimbursement shall be based on a determination of the most economical and adequate compensation for the loss, taking into account the extent of the damage, the feasibility of repair and the cost of replacement.

This rule is intended to implement Iowa Code section 80.18.

[ARC 0413D, IAB 7/8/26, effective 8/12/26]

[Filed 5/3/07, Notice 3/28/07—published 5/23/07, effective 7/1/07]

[Filed ARC 0413D (Notice ARC 0226D, IAB 4/29/26), IAB 7/8/26, effective 8/12/26]

CHAPTER 80
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 2/11/09, see 661—Ch 25]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

PREAMBLE

Scope. These rules are to provide notice of how the department keeps records and what the procedures are for access by the public. Nothing in these rules affects the access of information by law enforcement agencies, agencies of government or persons authorized by chapter 692 of the Iowa Code to receive information.

661—80.1(17A,22) Definition. As used in this chapter:

“*Agency*” means the “department of public safety.”

[ARC 7562B, IAB 2/11/09, effective 4/1/09]

661—80.2(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.4(17A,22) Procedures for access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.5(17A,22) Requests for treatment of a record as a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.6(17A,22) Procedure by which a subject may have additions, dissents, or objections entered into the record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.7(17A,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.8 Reserved.

661—80.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.11(17A,22) Records retention manual. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.12(17A,22) Data processing system. All departmental data processing systems that have common data elements can potentially match, collate or compare personally identifiable information.

[ARC 7562B, IAB 2/11/09, effective 4/1/09]

661—80.13(22) Confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.14(252J) Release of confidential licensing information for child support recovery purposes.

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—80.15(22,80F) Release of official photographs of or personal information about employees.

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 22 and 80F.

[Filed 4/29/88, Notice 3/23/88—published 5/18/88, effective 7/1/88]

[Filed 7/25/96, Notice 6/19/96—published 8/14/96, effective 10/1/96]

[Filed emergency 6/25/07—published 7/18/07, effective 7/1/07]

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[Filed ARC 6230C (Notice ARC 6052C, IAB 11/17/21), IAB 3/9/22, effective 4/13/22]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 156
DNA DATABASE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

661—156.1(81) Establishment of DNA database. There is established a DNA database within the division criminalistics laboratory. These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, and disposition of DNA records gathered for the DNA database. These rules do not apply to the collection and handling of DNA samples gathered as evidence in the course of criminal investigations.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.2(81) Definitions. The following definitions apply to rules 661—156.1(81) through 661—156.9(81):

“*Administrator*” means the administrator of the division criminalistics laboratory.

“*Commissioner*” means the commissioner of public safety.

“*Database*” means the DNA database located in the division criminalistics laboratory.

“*Department*” means the department of public safety.

“*Director*” means the director of the division.

“*Division*” means the division of criminal investigation.

“*DNA*” means deoxyribonucleic acid.

“*Expungement*” means the removal of information from the database, effectively severing any ability to link a DNA profile and an individual.

“*Laboratory*” means the division criminalistics laboratory.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.3(81) Administration of DNA database. The database is under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.4(81) Collection of DNA samples. Samples of DNA will be collected from any person required to submit a sample pursuant to the provisions of Iowa Code chapter 81.

156.4(1) The sample will be collected by the agency to which custody or responsibility for supervision has been assigned by the court issuing the sentencing order.

156.4(2) Each DNA sample will be collected as soon as is practical after an agency assumes custody or supervision of the person required to submit the DNA sample and the DNA sample is submitted to the laboratory in accordance with rule 661—156.5(81).

156.4(3) Each DNA sample will be collected using a DNA collection kit provided by the laboratory, following the instructions provided for the kit by the laboratory.

EXCEPTION: A DNA sample may be collected without the use of a DNA collection kit provided by the laboratory. If a sample is collected without the use of a kit, the person submitting the sample will include a signed and dated statement describing the collection procedure.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.5(81) Submission of DNA samples.

156.5(1) All samples collected for inclusion in the database should be submitted to the following address:

Iowa DCI Criminalistics Laboratory
2240 South Ankeny Boulevard
Ankeny, Iowa 50023-9093

EXCEPTION: Each sample submitted in a package with a preprinted mailing address or with a mailing label with a preprinted address, when such package or label has been provided by the laboratory, will be

mailed to the preprinted address. Any other sample will be mailed in accordance with instructions provided by the laboratory.

156.5(2) Each sample submitted will be accompanied by a completed DNA sample donor identification form included in the DNA collection kit provided by the laboratory. If the sample is submitted without the donor identification form, the sample will be accompanied by a statement signed and dated by the person submitting it, with at least the following information identifying the subject of the DNA sample: full name, date of birth, and a clear fingerprint. Additional identifying information, such as the social security number of the person providing the sample or identifying numbers assigned by state agencies, will be provided if available.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.6(81) Analysis of DNA samples. Samples of DNA submitted to the laboratory will be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of the “Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories” published by the DNA Advisory Board to the Federal Bureau of Investigation, July 1, 2025.

EXCEPTION: Analysis of DNA samples may be conducted by other laboratories under contract with the department with the approval of the administrator. Any other laboratory conducting analysis of DNA samples for inclusion in the database will comply with the requirements and procedures to which the laboratory is subject under this rule.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.7(81) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database will be identified by a unique number that will reference the full name of the person whose sample is submitted, the person’s date of birth, and a clear fingerprint taken from the person.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.8(81) Storage of DNA samples. Samples of DNA submitted for inclusion in the database will be stored at room temperature.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

661—156.9(81) Expungement of DNA samples.

156.9(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person’s conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator

Iowa DCI Criminalistics Laboratory

2240 S. Ankeny Boulevard

Ankeny, Iowa 50023-9093

156.9(2) Action on expungement request.

a. The laboratory, upon receipt of a written request that validates reversal on appeal of a person’s conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to Iowa Code section 81.3(3) “*b*,” shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person’s representative shall be notified upon completion of such action.

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of 7—Chapter 2504, except that such requests shall be addressed as follows:

Commissioner, Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319

156.9(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

[ARC 0414D, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code chapter 81.

[Filed emergency 6/30/05—published 7/20/05, effective 7/1/05]

[Filed 11/3/05, Notice 7/20/05—published 11/23/05, effective 1/1/06]

[Editorial change: IAC Supplement 6/17/09]

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CHAPTER 159
STATEWIDE SOBRIETY AND DRUG MONITORING PROGRAM
Rescinded **ARC 0415D**, IAB 7/8/26, effective 8/12/26

CHAPTERS 160 to 173
Reserved

CHAPTER 174
RETAIL SALES OF PSEUDOEPHEDRINE

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

661—174.1(81GA,SF169) Electronic logbooks. A logbook of retail sales of products containing pseudoephedrine, as required in Iowa Code section 124.212A, may be recorded in any electronic format, provided that the retailer maintaining the logbook provides to any peace officer a printed copy of the information required to be maintained in the same manner as would be provided if the logbook were maintained on paper.

NOTE 1: Information required to be recorded in the logbook includes the legible signature of the purchaser and the printed name and address of the purchaser.

NOTE 2: This rule applies only to the content of the information provided to a peace officer from a logbook, not to the conditions or circumstances under which information from a logbook is provided to a peace officer.

[ARC 0416D, IAB 7/8/26, effective 8/12/26]

661—174.2(81GA,SF169) Reporting of civil penalties. Pursuant to Iowa Code section 126.23B, within 30 days of the assessment of a civil penalty upon a retailer or employee of a retailer of products containing pseudoephedrine for a violation of the provisions of Iowa Code section 124.212A or 126.23A, the city or county that has enforced the civil penalty will report the following information to the department:

1. Name and address of the retailer.
2. Name and birth date of the employee, if the civil penalty was assessed against an employee. If the assessment was against more than one employee, the name and birth date of each employee subject to the assessment will be reported.
3. Date of the violation.
4. Description of the violation.
5. Amount of the civil penalty assessed.

[ARC 0416D, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code section 124.212B.

[Filed emergency 5/18/05—published 6/8/05, effective 5/21/05]

[Filed 11/3/05, Notice 6/8/05—published 11/23/05, effective 1/1/06]

[Filed ARC 0416D (Notice ARC 0227D, IAB 4/29/26), IAB 7/8/26, effective 8/12/26]

CHAPTER 401
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND
DISABILITY SYSTEM—ADMINISTRATIVE PROCEDURES
[Prior to 10/27/04, see 581—Ch 24]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

661—401.1(97A) Applications. Applications for benefits under Iowa Code chapter 97A shall be filed with the secretary on forms provided by the secretary. Applications for service retirement shall be made not more than 90 days nor less than 30 days in advance of the date of retirement. Applications for service retirement, ordinary disability or accidental disability shall be reviewed by the secretary for completeness and then forwarded to the board of trustees.

401.1(1) *Manner of review for ordinary or accidental disability.* The secretary shall compile the following materials, if available and applicable, for the board's review of a claim:

- a. The application;
- b. Any materials provided by the applicant;
- c. Any available medical information in the possession of the board or the state;
- d. Any information available through any workers' compensation claims made by the applicant; and
- e. Recommendations and reports from the medical board.

NOTE: This subrule does not impose a responsibility on the secretary to discover documents or evidence not in the secretary's possession. It is only intended to outline the types of evidence the secretary should provide to the board if available.

401.1(2) *Commissioner's application.* The commissioner may file an application for ordinary or accidental disability on behalf of a member in service. The secretary shall review such applications in the same manner as those filed by a member. The fact that the commissioner has filed an application on a member's behalf shall not prevent the commissioner or the board from denying the application. All applications for accidental disability benefits shall be deemed cross-filed by the commissioner for the purpose of considering disability benefits. Nothing in this rule prevents the board from denying any application.

[ARC 8935B, IAB 7/14/10, effective 7/1/10]

661—401.2(97A) Determination on initial review.

401.2(1) *Board approval.* The board may approve or deny the application as presented or may direct the applicant to provide further medical information.

401.2(2) *Denial and appeal.* A decision by the board to deny the application may be appealed by the applicant. Written notice of a denial shall be provided to the applicant by certified mail. The written notice shall disclose the applicant's right to appeal, the procedure for filing an appeal, and the deadline for filing an appeal. An appeal must be filed in writing with the secretary within 30 calendar days after the applicant receives written notice of the decision of the board. The board may extend the deadline for filing an appeal. At a minimum, an appeal shall include a short and concise statement of the basis for the appeal.

661—401.3(97A) Applications for reimbursement for medical attention. Member beneficiaries may make application for reimbursement of the costs of medical attention as defined in rule 661—400.2(97A). This rule provides for the requirements of making application for reimbursement, the process for review and disposition of the application, and payment of approved applications.

401.3(1) *Making application.*

a. An application for reimbursement must be filed on a form provided by the secretary within 12 months of the member beneficiary's receiving treatment or incurring a cost for medical attention.

b. In the event there is a dispute with an insurance company regarding covered expenses, to remain eligible for reimbursement, the member beneficiary must file a request for extension, on a form provided by the secretary, if resolution of the dispute is expected to exceed 12 months.

c. Expenses shall only be reimbursed if the member beneficiary is retired as a result of an injury, illness or exposure occurring while in the performance of duty and is receiving a benefit as provided in Iowa Code section 97A.6(6).

d. Expenses shall be reimbursed only if the member beneficiary received medical attention for a condition with direct correlation to the disabling condition, the costs of which were not covered by insurance.

e. The system shall not reimburse for insurance premiums.

401.3(2) Processing the application.

a. Upon receipt of the application and supporting documentation, the secretary shall review the application for timeliness, completeness and validity. This subrule does not impose a responsibility on the secretary to discover documents or evidence not included on the application form.

b. The secretary shall refer the written application to the board for review at the next regularly scheduled meeting.

c. The member beneficiary does not need to be in attendance at the board meeting. In order to comply with Title II of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), specific information pertaining to an application for reimbursement or the member beneficiary's disabling condition will not be discussed in open forum of the board meeting unless the member beneficiary is present and approves discussion in a public meeting.

d. The board may approve or deny all or part of a reimbursement application. The board may request additional information to support the application for reimbursement or to determine the correlation of the expense to the disabling condition. The member beneficiary shall provide the documents to the secretary within a reasonable time period. In no case shall the application remain valid for a period of more than 12 months.

e. If the board denies any part of a request for reimbursement, the member beneficiary may request judicial review in accordance with Iowa Code section 97A.6(13).

f. The system will make reimbursements only to the member beneficiary or to the surviving spouse in the event the member beneficiary is deceased.

401.3(3) Other provisions.

a. Reimbursements for claimed expenses shall be reduced by any amount already received by the member beneficiary from workers' compensation or from a third party as a result of subrogation proceedings entered into as a result of the disabling injury.

b. In the event the member beneficiary is restored to active service pursuant to Iowa Code section 97A.6(7) "b," consideration of reimbursement for expenses pursuant to Iowa Code section 97A.14 shall not extend beyond the date of restoration to active service.

c. If the member beneficiary receiving a disability retirement pursuant to Iowa Code section 97A.6(6) becomes employed in a public safety occupation pursuant to Iowa Code section 97A.6(7) "d," consideration of reimbursement for expenses pursuant to Iowa Code section 97A.14 shall not extend beyond the date of employment with the employing jurisdiction.

[ARC 8935B, IAB 7/14/10, effective 7/1/10]

661—401.4 to 401.100 Reserved.

661—401.101(17A) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.102(17A) Advice on possible rules before notice of proposed rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.103(17A) Public rule-making docket. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.104(17A) Notice of proposed rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.105(17A) Public participation. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.106(17A) Regulatory analysis. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.107(17A,25B) Fiscal impact statement. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.108(17A) Time and manner of rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.109(17A) Variance between adopted rule and published notice of proposed rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.110(17A) Concise statement of reasons. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.111(17A,97A) Agency rule-making record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.112(17A,97A) Petitions for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.113(17A,97A) Waivers of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.114 to 401.200 Reserved.

661—401.201(17A) Petition for declaratory order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.202(17A) Notice of petition. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.203(17A) Intervention. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.204(17A) Briefs. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.205(17A) Inquiries. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.206(17A) Service and filing of petitions and other papers. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.207(17A) Consideration. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.208(17A) Action on petition. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.209(17A) Refusal to issue order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.210(17A) Contents of declaratory order—effective date. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.211(17A) Copies of orders. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.212(17A) Effect of a declaratory order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.213 to 401.300 Reserved.

661—401.301(17A) Contested case proceeding. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.302(17A) Discovery. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.303(17A) Subpoenas in a contested case. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.304(17A) Motions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.305(17A) Settlements. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.306(17A) Prehearing conference. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.307(17A) Continuances. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.308(17A) Withdrawals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.309(17A) Hearing procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.310(17A) Evidence. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.311(17A) Ex parte communication. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.312(17A) Decisions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.313(17A) No factual dispute contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.314(17A) Applications for rehearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A and 97A.

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CHAPTER 600
STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

661—600.1(80) Establishment of board. The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28, under the joint purview of the department of public safety and the department of transportation. The board is charged to develop, implement, and oversee policy, operations, and fiscal components of communications interoperability efforts at the state and local levels, and to coordinate with similar efforts at the federal level, with the ultimate objective of developing and overseeing the operation of a statewide integrated public safety interoperable communications system.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.2(80) Definitions. The following definitions apply to the rules in this chapter:

“*Board*” means the statewide interoperable communications system board established in Iowa Code section 80.28.

“*Interoperability*” means the ability of public safety and public services personnel to communicate and to share data on an immediate basis, on demand, when needed, and when authorized.

“*Legal counsel to the board*” means the assistant attorney general assigned to provide legal advice and representation to the board.

“*Quorum*” means two-thirds or more of the current voting members of the board, as provided in Iowa Code section 17A.2, subsection 1. “Current voting members” does not include any board positions which are vacant.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.3(80) Statewide interoperability coordinator. The board may select and appoint a person who is not a member of the board as the statewide interoperability coordinator (or “SWIC”) to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.4(80) Board procedures. The board shall operate under the following procedures:

600.4(1) Membership. The board shall include 15 voting members and 4 ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

600.4(2) Meetings.

a. The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

(1) The chairperson,

(2) The vice chairperson, or

(3) By the statewide interoperability coordinator, at the request of five or more voting members of the board.

b. If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business but shall not take any action other than to adjourn.

c. Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4. In addition, notice of any scheduled board meeting and a tentative agenda of that meeting shall be posted on the Web site of the board prior to the scheduled time of the meeting.

d. All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to

the public, the board shall not adjourn while in closed session, but may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled “public comment period” on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public.

e. Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 10th edition.

600.4(3) Officers. Officers of the board shall be a chairperson and a vice chairperson.

a. Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

b. The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

c. The chairperson and the vice chairperson shall each be a voting member of the board.

d. If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.

e. Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.

f. If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.5(80) Administrative procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—600.6(80) Committees.

600.6(1) Standing committees. A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

a. The chairperson of each standing committee shall be a voting member of the board.

b. Persons who are not voting members of the board may serve on a standing committee.

c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

600.6(2) Ad hoc committees. The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.7(80) Board finances. Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.8(80) Contracts. The board may enter into contracts with other entities to carry out tasks in pursuit of the board's purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.9(80) Competitive grants. If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology which shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

661—600.10(80) Additional information. Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the Web site of the board.

NOTE: The board Web site may be found at <http://isicsb.iowa.gov/index.html>.

[ARC 9678B, IAB 8/24/11, effective 10/1/11]

These rules are intended to implement Iowa Code section 80.29.

[Filed ARC 9678B (Notice ARC 9516B, IAB 5/18/11), IAB 8/24/11, effective 10/1/11]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

REGENTS BOARD[681]

[Prior to 4/20/88, Regents, Board of [720]]

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CHAPTER 1
ADMISSION RULES COMMON TO THE THREE STATE UNIVERSITIES
[Prior to 4/20/88, Regents, Board of[720]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

681—1.1(262) Admission of undergraduate students directly from high school. Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

1.1(1) Application. Applicants must submit a formal application for admission, together with the appropriate application fee and have their secondary school provide a transcript of their academic record, including credits and grades, rank in class (when available), and certification of graduation. Applicants may also submit standardized test scores. Applicants whose primary language is not English must also meet the English language proficiency requirement specified by each university. Applicants may be required to submit additional information or data to support their applications.

1.1(2) Admission criteria.

a. A regent admission index (RAI) will be calculated for freshman applicants who submit all components used in the equation below. For purposes of calculating the RAI, the ACT composite score has a top value of 36 (SAT scores or other approved standardized tests will be converted to ACT composite equivalents), high school GPA is expressed on a four-point scale, and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.

$$\text{RAI} = \frac{(3 \times \text{ACT composite score})}{\text{score}} + \frac{(30 \times \text{high school grade point average})}{\text{point average}} + \frac{(5 \times \text{number of high school courses completed in the core subject areas})}{\text{completed in the core subject areas}}$$

b. Freshman applicants from Iowa high schools who have an RAI that meets a minimum set by the state board of regents and who meet the minimum requirements of the regent universities will qualify for automatic admission. Freshman applicants who have an RAI below the minimum set by the state board of regents or who do not have all components used in the RAI may also be admitted to a regent university; however, each regent university will review these applications on an individual basis.

1.1(3) Graduates of approved high schools in other states may be held to higher academic standards but must meet at least the same requirements as graduates of Iowa high schools.

1.1(4) Applicants who are graduates of nonapproved high schools will be considered for admission in a manner similar to applicants from approved high schools, but additional emphasis will be given to scores obtained on standardized examinations.

1.1(5) Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. These applicants will be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations that will demonstrate that they are adequately prepared for academic study.

1.1(6) Early admission.

a. Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during the summers prior to high school graduation.

b. In rare situations, exceptional students may be admitted as full-time students to a regent university before completing high school. Early admission to a regent university is provided to serve persons whose academic achievement and personal and intellectual maturity clearly suggest readiness for collegiate-level study. Each university will specify requirements and conditions for early admission.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 0417D, IAB 7/8/26, effective 8/12/26]

681—1.2(262) Admission of undergraduate students by transfer from other colleges. Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with the appropriate application fee, and request that each college they have attended send an official transcript of record to the admissions office. High school academic records and standardized test results may also be required. The Test of English as a Foreign Language (TOEFL), or equivalent English proficiency examination as determined by each institution, is required of foreign students whose first language is not English.

1.2(1) Transfer applicants who have earned a minimum of 24 semester hours of graded credit from colleges or universities accredited by an entity recognized by the U.S. Department of Education, attended another college or university after graduating from high school, and achieved for all college work previously attempted the grade point required by each university for specific programs will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

Applicants who have not maintained the grade point required by each university for specific programs or who are under academic suspension from the last college attended may, after a review of their academic and test records and at the discretion of the admissions officers:

- a. Be admitted unconditionally,
- b. Be admitted conditionally,
- c. Be denied admission.

1.2(2) Admission of students with fewer than 24 semester hours of college credit will be based on high school academic records in addition to review of the college record.

1.2(3) Transfer applicants under disciplinary suspension will not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances will be admitted on probation.

1.2(4) Transfer applicants from colleges and universities not accredited by an entity recognized by the U.S. Department of Education will be considered for admission on an individual basis taking into account all available academic information.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 0417D, IAB 7/8/26, effective 8/12/26]

681—1.3(262) Transfer credit practices. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

1.3(1) *Students from colleges and universities accredited by an entity recognized by the U.S. Department of Education.* Credit earned at colleges and universities accredited by an entity recognized by the U.S. Department of Education is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature or credit in courses or programs in which the institution granting the credit is not directly involved may not be accepted or may be accepted to a limited extent.

Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a regent university except as otherwise agreed to in an articulation agreement.

1.3(2) *Students from colleges and universities that have candidate status.* Credit earned at colleges and universities that have become candidates for accreditation by an entity recognized by the U.S. Department of Education is acceptable for transfer in a manner similar to that from colleges and universities accredited by an entity recognized by the U.S. Department of Education if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college that has received approval by an entity recognized by the U.S. Department of Education for change to a four-year college may be accepted by a regent university.

1.3(3) *Students from colleges and universities not accredited by an entity recognized by the U.S. Department of Education.* When students are admitted from colleges and universities not accredited by an entity recognized by the U.S. Department of Education, they may validate portions or all of their transfer credit. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

1.3(4) *Students from colleges and universities outside the U.S.* Transfer credit from educational institutions outside the U.S. may be granted after a determination of the type of institution involved and after an evaluation of the content, level, and comparability of the study to courses and programs at the receiving university. Credit may be granted in specific courses but is frequently assigned to general areas of study.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 0417D, IAB 7/8/26, effective 8/12/26]

681—1.4(262) Classification of residents and nonresidents for admission, tuition, and fee purposes.

1.4(1) General.

a. A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission, tuition, and fee purposes by the registrar or someone designated by the registrar. The decision shall be based upon information furnished by the student and other relevant information.

b. In determining resident or nonresident classification, the issue is essentially one of why the person is in the state of Iowa. If the person is in the state primarily for educational purposes, that person will be considered a nonresident. An individual could qualify as a resident of Iowa for such purposes as voting, holding an Iowa driver's license, or Iowa community college residency, and not meet the residency requirements as established by the state board of regents for admission, tuition, and fee purposes.

c. The registrar, or designated person, is authorized to require evidence deemed necessary to determine why a student is in Iowa. The burden of establishing that a student is in Iowa for other than educational purposes is upon the student.

d. Applications for resident classification for a given semester or session are due no later than the fifteenth class day of that semester or session. Applications received after the fifteenth class day of that semester or session will be considered for the next semester or session. Appeals of any nonresident classification decision resulting from applications for resident classifications are due within ten business days of the decision. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

e. A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to disciplinary action and must also pay the nonresident fees for each term previously attended.

f. Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated person may be appealed to a university review committee. The decision of the review committee may be appealed to the state board of regents.

1.4(2) Guidelines.

a. The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

(1) A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

(2) In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person's domicile is presumed to be that of the parent(s) or legal guardian unless the person is independent and establishes a separate domicile. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

(3) A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished.

A person or the dependent of a person whose domicile is established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a resident so long as domicile is maintained, even though circumstances may require extended absence of the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile.

(4) A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (six credits for an undergraduate or professional student, five credits for a graduate student) in any academic year term at any postsecondary institution, is not enrolled for more than four credits in a summer or winter term at any postsecondary institution for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

(5) A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

(6) A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

1. Comes directly to the state of Iowa from a refugee facility or port of debarkation, or
2. Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of establishment of Iowa residency.

(7) An individual who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

(8) At the regent universities, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Chickasaw, Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Oneida (Narragansett), Otoe (Otto), Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (HoCak, Ho Chunk), will be assessed Iowa resident tuition and fees.

(9) Individuals who have received a homeless youth determination may be classified as residents for tuition and fee purposes.

b. Additional guidelines are used in determining the resident classification of a veteran, a qualified military person, or other qualified individuals for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees:

(1) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the child or spouse or domestic partner of such person, is entitled to resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees. The child or spouse or domestic partner may be required to submit appropriate documentation to the university.

(2) Iowa National Guard and U.S. Armed Services reserve component service members assigned to a unit physically located in Iowa who have completed their initial entry training requirements or have served for one year are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees.

(3) Iowa National Guard and U.S. Armed Services reserve component service members attached for a duration of greater than one year to a unit physically located in Iowa are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees upon proof that the attachment requires moving to a permanent residence within the state of Iowa.

(4) Honorably discharged veterans who have served an aggregate of 90 days or more on Title 10 orders, other than for training, are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees. All other discharges will be reviewed on a case-by-case basis.

(5) Retired members of the Iowa National Guard who are not Iowa residents are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees.

(6) Active duty, Title 10, service members and their dependents, including domestic partner, are eligible for resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees.

(7) The rules for classification of veterans and qualified individuals shall be in full compliance with all federal laws, including Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act). The qualified individual may be required to submit appropriate documentation to the university.

(8) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the child or spouse or domestic partner of such a person, is entitled to resident status. The child or spouse or domestic partner may be required to submit appropriate documentation to the university. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 0417D, IAB 7/8/26, effective 8/12/26]

681—1.5(262) Application fees. Mandatory application fees for admission to the University of Iowa, Iowa State University and the University of Northern Iowa shall be approved by the state board of regents and shall be based on reasonable costs anticipated to be incurred by the institution in processing the application unless otherwise approved by the state board of regents.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 0417D, IAB 7/8/26, effective 8/12/26]

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CHAPTER 3
REGENTS HUMAN RESOURCES MANAGEMENT—MERIT SYSTEM RULES
[Prior to 4/20/88, Regents, Board of[720]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

ORGANIZATION AND ADMINISTRATION

681—3.1(8A) Covered employees. All merit employees of the board will be covered under the rules of this system in accordance with Iowa Code section 8A.412(5).

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.2(8A) Administration.

3.2(1) Under the authority of the board and the supervision of its executive director, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and intent of certain provisions, related to merit staff employment and board policies and rules. At each board institution, the chief executive will designate an administrator to serve as resident director. The resident director will be responsible, through the chief executive at the institution, for human resources administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have the authority to ensure the administration of the merit system is consistent with the provision of these rules.

3.2(2) The resident directors keep detailed records on each employee. They will also maintain records on operations conducted under these rules and report summaries to the merit system director as requested. Additionally, they will prepare other reports to ensure compliance with regents, state and federal standards. In collaboration with employing departments, the resident director will establish a program that will provide for the regular evaluations, at least annually, of the performance of all employees consistent with board and institutional policies.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

DEFINITIONS

681—3.3(8A) Definitions.

“Active service” is a period of ongoing employment performing the duties of the position.

“Advanced starting rate” is a rate within the pay grade that is greater than the minimum rate of the pay grade for a specific classification as provided for in the approved pay plan.

“Base pay” means the employee’s rate of pay exclusive of any supplemental pay, such as lead worker pay, pay for differentials, pay for special assignment, on-call pay, call back pay, or any other incentive premium pay.

“Board” means state board of regents.

“Certification” means the referral of qualified applicants from an eligibility register to a department for the purpose of making a selection in accordance with these rules.

“Classification” refers to one or more positions that have similar duties and responsibilities. These positions in the group can be given the same job title and require the same minimum qualifications as to education and experience. The same schedule of pay can be applied with equity to all positions in the classification under substantially the same employment conditions.

“Classification appeal” is the act of contesting the classification or reclassification of a position as determined by the merit system director after a review of the duties and responsibilities of the position.

“Classification review” is the process initiated by a permanent employee or department designee requesting review of the classification of the employee’s position.

“Classify” means to assign an appropriate classification based on the duties and responsibilities assigned to the position.

“Days” means calendar days unless designated otherwise.

“Demotion” means a change of an employee from a position in one classification to a position in another classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position.

“Department” or *“employing department”* is a unit or division within a regents institution defined locally by each institution.

“Designee” is an individual who has been selected to act on behalf of a designated authority.

“Grievance” is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.

“Lateral transfer” means a change from a position in one classification to a different position in the same classification or to another classification in the same pay grade.

“Maximum rate” is the final value of the pay grade to which a classification is assigned. A “red-circled” rate is above the maximum.

“Merit increase” is the increment within the pay grade, as established by the board, by which an employee’s pay will be raised at specified times during employment, subject to a satisfactory level of performance.

“Merit system director” is the person appointed by the executive director of the board to administer the merit system rules on behalf of the board.

“Minimum rate” is the minimum value of the pay grade to which a classification is assigned. It is less than an “advanced starting rate.”

“Pay grade” or *“grade”* is the numerical designation on the pay schedule to which individual classifications are assigned.

“Permanent employee” is an employee who has completed the initial probationary period and thereby acquired permanent status in accordance with the rules of the system.

“Position” means a group of specific duties, tasks and responsibilities assigned to be performed by one employee. A position may be 12 months or less, full-time or part-time, temporary or permanent, or occupied or vacant.

“Premium pay” means a sum of money paid for specific work in addition to the salary or hourly rate.

“Probationary period” is a six-month period to determine an employee’s fitness for the position. A probationary period is required for an original appointment or reemployment to a classification not previously held, a promotion, a voluntary demotion out of series or a lateral transfer out of classification. Employees hired on term appointments, as described in rule 681—3.16(8A), are also subject to a probationary period.

“Promotion” means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.

“Recall” is the reappointment of an employee who was terminated as a result of (1) layoff or voluntary demotion in lieu of layoff, or (2) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (3) failure to pass a subsequent probationary period on a promotion, lateral transfer out of classification, or demotion out of series. “Reemployment” may be used in place of “recall.”

“Reclassify” means to make a change in the classification of a position to a higher, lower, or same pay grade based on an assessment of the tasks, duties, and responsibilities of the position or because of an amendment to the assigned pay grade in the classification plan.

“Reduction in force” is a permanent layoff or an involuntary reduction in time resulting from a shortage of funds or work, a material change in duties, or an organization or abolishment of one or more positions.

“Reinstatement” refers to the appointment of merit staff who previously exited in good standing.

“Resident director” is the person appointed by the chief executive of each regents institution to administer the merit system rules at that institution. The resident director may appoint designees authorized to administer the merit system rules.

“Suspension” is an enforced leave of absence with or without pay for purposes of conducting an investigation or as a disciplinary measure.

“Trainee” or *“apprentice”* is an employee participating in a specified training program during a fixed period of time in order to meet the minimum qualifications required for a classification.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

CLASSIFICATION

681—3.4(8A) Preparation and maintenance of the classification plan. The merit system director, in consultation with the resident directors and subject to the approval of the board, shall develop and maintain a classification plan. This plan will ensure that all positions with similar duties, responsibilities, and levels of difficulty are included in the same class. Each class will have the same minimum qualifications and an equitable pay schedule (except for geographical differences). The plan will include a class title; job definition; descriptions of the work performed; required knowledge, skills, and abilities; and the minimum qualifications for each class.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.5(8A) Administration of the classification plan. The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend new classifications and changes to existing classifications. Employing departments and employees may appeal classification and reclassification in accordance with rule 681—3.24(8A).

The merit system director, in consultation with the resident directors and subject to the approval of the board, may establish new classifications and change or abolish existing classifications that affect the merit system pay plan to meet the needs of the institutions and to properly reflect changes in work. When the changes do not affect the pay plan of the merit system, the merit system director may, in consultation with the resident directors, change existing classifications and report such changes annually to the board. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted, or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions, and dismissal.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

COMPENSATION PLAN

681—3.6(8A) Preparation, content and adoption of the pay plan. The board will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of numbered grades with minimums and maximums for each grade. The plan is intended to reflect the relative difficulty and responsibility of the work involved in the various classes. This relative difficulty and responsibility of work, in addition to market data that is pertinent to the labor market, will be utilized to assign classifications to pay grades. Market data sources and their application will be approved and administered under the direction of the merit system director. The plan will be uniformly applicable to all regents institutions, except for variances approved on the basis of geographical differences.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.7(8A) Review and revision of the pay plan. At least once each year, the complete pay plan will be reviewed for revision by the board in the same manner and following the same procedure stated in rule 681—3.6(8A). At any time, new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board and other authority as required by law.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.8(8A) Administration of the pay plan. Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classifications in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid between the minimum and maximum of the pay grade to which the employee's classification is assigned. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules adjusted as specified by such law and regent policy. In instances where more than one rule for pay is applicable, the resident director may apply the rule that is most appropriate for the situation.

3.8(1) Entrance salaries. The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that classification is assigned or in accordance with the approved pay plan, except as provided for the following.

a. Appointment based on a scarcity of qualified applicants. At the request of a resident director and based on economic or employment conditions that make it difficult to recruit at the minimum rate of the pay grade to which a classification of position is assigned, the merit system director may authorize an advanced starting rate. Where such a higher entrance rate is authorized, all employees in the same classification and in the same geographical area, who are earning less than the higher entrance rate, will be increased to that higher rate.

b. Appointment based on exceptional qualifications. An employee whose qualifications substantially exceed the minimum required for the classification or who possess outstanding experience relative to the demands of the position may, at the request of an employing department and upon approval by the resident director, be appointed at a rate higher than the minimum. At the request of the employing department, or at the discretion of the resident director, salaries of similarly qualified employees in the same classification with similar qualifications at the same institution may be adjusted. These appointments along with any salary adjustments made to other employees must be reported to the merit system director.

c. Appointments based on prior service at the institution. An employee who was previously employed by an appointing institution in a nonmerit system position and who performed duties of a similar character and responsibility as the merit classification to which the employee is being appointed may be paid at a rate higher than the minimum, reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.

d. Appointments from mergers and acquisitions. An employee who is appointed at a university due to a merger or acquisition should be paid consistent with current pay practices. If the salary of an employee exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. The resident director may request an extension to the merit system director due to special circumstances for a designated period of time.

3.8(2) Merit increases. An employee with satisfactory performance shall be eligible to receive a merit increase upon completion of the employee's increased eligibility period. The eligibility period shall be 12 months from the merit review date. Merit review date practices shall be established by the resident director at each institution. The resident director may allow for a merit review date at six months from the date of hire for an employee who is appointed and paid at the minimum rate for the employee's assigned pay grade. Failure to conduct a performance review shall result in the employee being deemed to have performed satisfactorily during this period. No merit increase will be granted above the maximum of the pay grade. Merit increases may be denied or deferred by the employing department based on work performance. An employee whose merit increases are denied or deferred may request additional information from the department regarding the rationale.

3.8(3) Pay on promotion. An employee who is promoted will be moved to the minimum rate of the new grade or to an equal or higher rate in the new grade that is no greater than 5 percent higher than the employee's current base pay without approval of the merit system director. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing

department, an increase to the employee's present base pay of no greater than 10 percent without the approval of the merit system director.

When calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, pay for lead worker status, on-call pay, pay for overtime, or pay for call back shall be excluded as part of the employee's present base pay. Pay on promotion in accordance with the provisions of paragraph 3.8(1) "b" may be authorized by a resident director and will be reported to the merit system director.

3.8(4) Pay on demotion. Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any rate within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted, except as provided in paragraph 3.8(1) "b."

If the salary of an employee who is demoted as the result of the reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. The resident director may request an extension to the merit system director due to special circumstances for a designated period of time.

3.8(5) Pay on reinstatement, recall or return from leave.

a. An employee who is reinstated will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade.

b. An employee who is recalled to the previously occupied class will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade. Reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion.

c. An employee who is reappointed to the previously occupied position or a position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on recall as provided above.

3.8(6) Pay for special assignment. Provided an employee is granted special assignment in accordance with subrule 3.19(2), the employee will be paid for the duration of such assignment consistent with:

a. Subrule 3.8(3), pay on promotion, if assigned to a classification having a higher pay grade;

b. Subrule 3.8(7), pay on lateral transfer, if assigned to a classification having the same pay grade;

c. The present base pay if assigned to a classification having a lower pay grade.

3.8(7) Pay on lateral transfer.

a. An employee who is transferred from one position to another position in the same classification shall receive no adjustment in base pay except as provided in paragraph 3.8(1) "b";

b. An employee who is transferred from one position to another position in a different classification but in the same pay grade shall receive no adjustment in base pay, except as provided in paragraph 3.8(1) "b" or as set forth in paragraph 3.8(7) "c";

c. An employee who is transferred from one classification with a lower or no advanced starting rate to a classification with a higher advanced starting rate shall receive:

(1) An adjustment to the higher advanced starting rate if the base pay prior to lateral transfer is less than the higher advanced starting rate; or

(2) No adjustment in base pay if the employee's base pay prior to lateral transfer is not less than the higher advanced starting rate.

d. In no case may an employee be paid below the minimum or above the maximum for a classification.

3.8(8) Pay upon change in pay grade of class. If the class is revised and reassigned to a higher pay grade, subrule 3.8(3), pay on promotion, will apply.

If the class is revised and reassigned to a lower pay grade, subrule 3.8(4), pay on demotion, will apply.

3.8(9) *Pay for part-time employment.* Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

3.8(10) *Pay for exceptional performance.* An employee may be given pay for exceptional performance, not to exceed 10 percent of an employee's current annual salary, at the written request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change the employee's established base pay. An employee will be eligible to receive multiple rewards per fiscal year but not to cumulatively exceed 10 percent of the employee's current annual salary.

3.8(11) *Pay for call back.* An employee who is called back to the work site after completing the employee's regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. An employee who is called back and works in excess of three hours will be paid the actual time worked.

3.8(12) *Pay for lead worker status.* On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties may be designated as lead worker in the classification assigned and paid during the period of such designation the employee's base salary plus a percentage of the employee's base pay no greater than 5 percent without the approval of the merit system director.

3.8(13) *Pay for trainees and apprentices.* The schedule of wages for trainees and apprentices will be set at the minimum of the entrance rate of the journey classification and decreased by 3 percent for every year of the program. Each employee whose performance is satisfactory as determined by the employing department will progress by half of the annual increase every six months from the established minimum of the schedule to the entrance rate established for the journey classification at the completion of time established for training or apprenticeship.

3.8(14) *Discretionary pay increases for permanent employees.* A permanent employee paid within the designated pay grade may be eligible for a discretionary increase to the employee's present base pay as a result of a market analysis, equity analysis, employment offer or other employment situation. In no circumstance will the adjustment result in pay above the maximum of the pay grade. A resident director shall present the rationale for a discretionary pay increase to the merit system director for approval.

3.8(15) *Payment of a shift differential.* All employees will be paid a differential for any shift of which four or more hours occur between 6 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6 a.m. The amount of the shift differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(16) *Pay for time on-call.* At the request of the employer, an employee who is off duty and free to engage in the employee's own pursuits shall be considered on-call provided that the employee leaves word with the employer where to be reached if needed and the employee is able to report ready for work within a specified time after being contacted by the employer. The rate for on-call pay shall be determined by the merit system director.

3.8(17) *Pay on reclassification of position.* If a position is reclassified, the incumbent's pay will be set in accordance with the rules governing pay on demotion, transfer, or promotion, whichever is applicable.

3.8(18) *Recruitment or retention payments.* A payment to a job applicant or an employee may be made for recruitment or retention reasons. The resident director shall first submit a written explanation to the merit system director prior to any payment being made.

As a condition of receiving recruitment or retention pay, the recipient may be required to sign an agreement to continue employment with the employing department to be commensurate with the amount of

the payment. If the recipient is terminated for cause or voluntarily leaves state employment, the recipient may be required to repay the employing department for the proportionate amount of the payment for the time remaining and it will be recouped from the final paycheck. When the recipient changes employment to another state agency, a repayment schedule must be approved by the employing department and the state agency. Recoupment will be coordinated between the state agency and the institution to ensure the proper reporting of taxes.

3.8(19) *Emergency payments.* When a state of emergency has been declared to exist at an institution, an employee may be given emergency pay at the written request of the employee's department head with appropriate administrative approval and the prior approval of the merit system director and resident director. The request will describe the nature of the state of emergency, the services provided by the employee in support of the management of or response to the state of emergency, the amount proposed, and the source of funds. Payment will be made as a lump sum award and will not change the employee's established salary rate.

3.8(20) *Payment of a weekend differential.* At the request of the resident director and with approval from the merit system director, an employee may be paid a weekend differential for any shift of which four or more hours occur between Saturday at 12 midnight and Sunday at 11:59 p.m. The amount of the weekend differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(21) *Weekend option premium pay.* When an employee works the weekend as the employee's primary schedule, the institution may request premium pay that is part of the employee's hourly rate. The amount of the premium pay shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(22) *Payment for working additional shifts.* At the request of the resident director and with approval from the merit system director, when an employee works four or more unscheduled hours at the request of the employer, the employee may be paid an extra shift hourly premium. The amount of the premium paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(23) *Lump sum payments.* At the approval of the resident director, an employee may receive a lump sum payment that does not impact base salary. These payments can be part of the annual salary review process or another designated time. These payments are allowed once per fiscal year and are separate from any other pay practices in the merit rules.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

APPLICATION AND EVALUATION

681—3.9(8A) Applications. Applications for employment will contain no question so formed as to elicit any information prohibited by state or federal statutes, and the truth of statements made on the application will be certified by the applicant. Public announcement of vacancies will be made for ten calendar days. A record of applications for employment will be kept at the institution in their recruitment and hiring system of record for a period of time to be designated by the resident director and pursuant to the institution record retention policies. Each institution may post recruitment announcements for application by employees of that institution only.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.10(8A) Applicant evaluations. Evaluations will be practical in nature, will be constructed to reveal the capacity to successfully perform the job for which the applicant is competing, will be rated objectively, and will be pursuant to federal or state law.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.11(8A) Nature of evaluations. Applicant evaluations may screen for such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes that enter

into the determination of the relative qualification of applicants. The evaluation process must align with federal or state laws and must be approved by each institution's resident director.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.12(8A) Qualifications. Applicants must meet the qualifications for the classification as indicated in the board classification description, as well as any special qualifications associated with a particular position, which are approved by the resident director. Those applicants who meet the required qualifications shall be eligible for further consideration for hire, transfer or promotion in the position.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

APPOINTMENTS AND PROBATION

681—3.13(8A) Appointments. All appointments under this system will be made in accordance with all federal and state laws and the provisions of these rules, including those concerning certification and selection unless otherwise specified.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.14(8A) Temporary appointments. Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Appointments may be made without reference to the provision of these rules regarding minimum qualifications, certification, and selection. Employees appointed on this basis will not work more than 1,040 hours in any fiscal year.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.15(8A) Trainee or apprentice appointment. With the approval of the resident director, an institution may advertise a position for a classification designated for trainees or apprentices. When so designated, applicants do not need to meet the minimum qualifications of the classification for permanent appointment. The purpose of the program is to develop the trainee or apprentice to obtain the necessary knowledge, skills, and abilities to perform the work and to meet the minimum qualifications for the classification. At the conclusion of the designated training period or apprenticeship program, the employee must be able to satisfactorily perform the duties and meet the minimum qualifications to move into the regular classification.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.16(8A) Term appointment. When it is known that a particular job, project, grant or contract will require the services of an employee for a limited duration or where funding must be renewed periodically, a term appointment may be made. The initial appointment will not be made for more than two years. Renewals beyond two years may be approved by the resident director on the basis of funding availability or institutional limits on term appointments.

Employees on a term appointment are subject to a probationary period. An employee on term appointment subsequently hired as a regular employee in the same classification is not required to complete an additional probationary period.

Such appointments will not confer to the individual any right of position, transfer, demotion, promotion, or recall, but incumbents shall be eligible for vacation and sick leave, except that a term appointment made for less than 1,040 hours will be considered a temporary appointment under rule 681—3.14(8A) without conferring rights or eligibility for vacation or sick leave.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.17(8A) Permanent appointments. An applicant who is appointed with the approval of the hiring authority designated by each individual institution to a permanent position and who successfully completes a probationary period in accordance with these rules will have permanent status.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.18(8A) Probationary period.

3.18(1) Purpose. The probationary period will be an important part of the examination and selection process, and will be used by the employing department to closely observe and evaluate an employee's work, to train and aid the employee in adjustment to the employee's position and to reject and dismiss any employee whose performance fails to meet standards.

3.18(2) Duration of probation. An employee on original appointment or who is reinstated or reemployed to a class not previously held will be on probation until the person completes six months of active service in the position to which the employee is appointed. This will be extended by the same number of days for leaves of absence of more than 30 days. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service.

A permanent employee who is promoted from one class to another, who transfers out of classification, or who demotes out of classification series will serve a period of probation of six months in the position to which the employee is appointed. If the employee is not dismissed during this time, the employee will, at the conclusion of the probationary period, have permanent status in the class.

3.18(3) Dismissal during promotional probation. An employee who is promoted from one classification to another, who transfers out of classification, or who demotes out of classification series and is dismissed during the employee's probationary period may be placed on the recall list for a previously held classification if, in the judgment of the resident director, the employee may be able to perform satisfactorily in another position.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

TRANSFERS, DEMOTIONS AND TERMINATIONS**681—3.19(8A) Transfers.**

3.19(1) Reassignments. An employee, with the approval of the resident director, may be reassigned at any time from one position to another in the same class within an institution, except that a probationary employee who is certified to fill the employee's position on the basis of special qualifications will not be reassigned unless the new position requires the same special qualifications that justified the original certification.

3.19(2) Special assignment. When the services of an employee are temporarily needed in a position in the same or a different class within the institution other than the position to which the employee is assigned, the employee may be given a special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed six months without a change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional six-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for a special assignment in accordance with subrule 3.8(6).

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.20(8A) Demotion (voluntary). If an employee wishes to be demoted to a lower classification, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion provided the employee is certified by the resident director as meeting the qualifications required for the lower classification. Voluntary demotion will not be subject to appeal.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.21(8A) Terminations.**3.21(1) Reduction in force.**

a. Reduction in force will be accomplished in a systematic manner in accordance with these rules; however, the layoff provisions established in this subrule shall not apply to:

- (1) Temporary layoffs of less than 25 workdays or 200 hours of work per calendar year;

(2) Interruptions in the employment of school term employees during breaks in the academic year, during the summer, or during other seasonal interruptions that are a condition of employment, with the prior approval of the resident director;

(3) The promotion or reclassification of an employee to a classification in the same or a higher pay grade;

(4) The reclassification of an employee's position to a classification in a lower pay grade that results from the correction of a classification error, the implementation of a classification or series revision, changes in the duties of the position, or a reorganization that does not result in fewer total positions in the unit that is reorganized;

(5) A change in the classification of an employee's position or the appointment of an employee to a classification in a lower pay grade resulting from a demotion; and

(6) The transfer or reassignment of an employee to another position in the same classification or to a classification in the same pay grade.

b. An individual whose position is eliminated or reduced in hours may be reassigned to a vacant position in the same classification and institution provided the individual possesses any required special qualifications for the position. If there is no vacant position to which the individual can be reassigned, the individual may accept layoff with recall priority as provided in paragraph 3.21(1) "n." If the individual directly affected does not accept layoff, the reduction in force procedures in this subrule shall be implemented.

c. Reduction in force will be made by classification.

d. Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.

e. The order of reduction in force will be by type of appointment as follows: temporary, trainee, initial probationary, permanent.

f. Each permanent employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 28 days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

g. There will be competition among all employees in the classification affected by the layoff based on a retention points system of all employees in the classification within the organizational unit or units affected. Retention points will be calculated as follows:

(1) Length of service credit will be allowed at the rate of one point for each month of service in a permanent position, whether full- or part-time. Any period of 15 calendar days of service (including any legally protected leave, paid or unpaid) in a month will be considered a full month. For the purpose of computing length of service credits, the institution will include all periods of regular merit employment during periods of continuous regular appointments with the institution between the date of the original appointment and the date of the layoff or as provided otherwise by law. Periods of leave without pay exceeding 30 days will not be counted unless protected by federal or state law.

(2) Performance evaluation deduction will be allowed at the rate of one point for each month of unsatisfactory service. No length of service credit will be allowed for service rated less than satisfactory. If there is no record of performance evaluation for a specific time period, it shall be presumed that the employee's performance is satisfactory.

(3) Reduction in force retention points will be the total of length of service, less any deduction for unsatisfactory performance.

h. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at the top. Layoffs will be made from the list in reverse order unless the employee with the least retention points has special skills and abilities required to perform in the position currently occupied. An employee with greater retention points who must vacate the employee's position must possess the special skills and abilities required for that position and meet any job-related selective certification required for that position. Copies of the computation of retention points will be made available to affected

employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

i. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee with the longest time in the classification.

j. The reduction in force plan approved by the merit system director will be made available by the resident director so that employees directly impacted will have access to it.

k. An affected employee may appeal a reduction in force by filing, within seven days after notification as provided in paragraph 3.21(1) “f,” a written grievance with the resident director (at Step 3 of the grievance procedure provided in rule 681—3.25(8A) or at a comparable step of a procedure approved under subrule 3.25(1)). If not satisfied with the decision rendered at that step, the employee may pursue an appeal in accordance with the grievance procedure.

l. A supervisory employee, defined as a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend such action, may not replace or bump a junior employee not being laid off. For purposes of this subrule, “junior employee” means an employee with fewer retention points than a supervisory employee.

m. A permanent employee in a nonsupervisory classification in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower nonsupervisory classification in the same series utilized at the institution or, in the absence of a lower nonsupervisory classification in the same series, to a nonsupervisory classification that the employee has formerly occupied while in the continuous employment of the institution. The employee must possess any special qualifications required and have the ability to perform the essential functions of the position. Such demotion or the occupying of a formerly held nonsupervisory classification will not be permitted if the result thereof would be to cause the layoff of a permanent employee with a greater total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held nonsupervisory classification in lieu of layoff, the employee must notify the resident director in writing of such election not later than five calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

n. An employee who is laid off or who accepts a voluntary demotion in a series or assignment to a previously held classification in lieu of layoff may, at the employee’s request, initiate recall priority for the classification from which the employee was laid off, a lower classification(s) in the same series from which the employee was laid off, and a classification formerly occupied in accordance with rule 681—3.22(8A) for a period of up to one year from the date of layoff. If recall occurs within one year of separation due to reduction in force, prior service credit shall be restored. Acceptance of recall in a lower classification in the same series from which the employee was laid off or in a previously held classification will not affect the employee’s recall priority for the classification from which the employee was laid off.

o. Recall priority will utilize the retention points calculated in accordance with subrule 3.21(1), beginning with the person with the highest number of points as applied in the following order:

(1) If the vacancy occurs in a layoff unit in which the employees eligible for recall in a classification were last employed, the resident director will refer the employee with the greatest number of retention points who was laid off, was demoted or took a medically related disability leave from that layoff unit; or

(2) If the vacancy occurs in the layoff unit other than the one in which employees eligible for recall priority in a classification were last employed, the resident director will refer the employee with the greatest number of retention points on the list from a different layoff unit. Employees referred with recall priority must meet the qualifications for the position, including any special qualification requirements. Employing departments must evaluate any eligible employees with recall priority before considering other applicants.

3.21(2) Reserved.

681—3.22(8A) Recall lists. Recall lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave in accordance with paragraph 3.21(1) “i” and rule 681—3.26(8A) or in accordance with subrule 3.18(3). These lists will be maintained in order by retention points calculated in accordance with the rules for reduction in force, beginning with the person with the highest number of points. Recall rights apply only to classifications for which the employee is eligible in accordance with these rules.

3.22(1) Removal of names from recall lists. The resident director may permanently or temporarily remove names from recall lists for the following reasons:

- a. Upon receipt of notification from an applicant that the applicant no longer desires consideration for a position in the classification.
- b. Appointment to fill a permanent position.
- c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.
- d. Declination of an appointment that an applicant previously indicated the applicant would accept.
- e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.
- f. Failure to maintain contact with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.
- g. Willful violation of any of the provisions of these rules.

3.22(2) Duration of recall lists. The names of employees who have not been appointed or otherwise removed from lists will be removed at the termination of the period of time designated by the resident director.

3.22(3) Precedence of eligibility lists. Recall lists will supersede other applicants.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

DISCIPLINARY ACTIONS

681—3.23(8A) Disciplinary actions. Disciplinary action will be reasonable, timely and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.

3.23(1) Suspension. The employing department may, for cause, suspend any employee for such length of time as the department head considers appropriate, not to exceed 30 days. The employing department will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee’s official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or to a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee’s appeal in accordance with the grievance procedure.

3.23(2) Reduction of pay within grade. An employing department may, for cause, reduce the pay of an employee to a lower rate of pay within the pay grade assigned to the classification. The department will notify the affected employee of the reduction, the reasons therefor and the duration thereof in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee’s official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee’s appeal in accordance with the grievance procedure.

3.23(3) Demotion. An employing department may, for cause, demote an employee to a vacant position in a lower classification provided the employee meets the qualifications for that lower classification. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion

will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(4) *Discharge.* A department head may, for cause, discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(5) *Eligibility for rehire.* An employee discharged for misconduct or unsatisfactory performance may be determined to be ineligible for reemployment with the same institution. The former employee will be promptly notified and may request review of the reason for disqualification. Such request shall be in writing, and upon receipt, the resident director will give full consideration to the request for review and notify the applicant of the resident director's decision in writing.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

GRIEVANCES AND APPEALS

681—3.24(8A) Reviews of position classification. A permanent employee or department designee may request a position classification review in written form. The employee's or designee's request will be forwarded to the college or division with a recommendation from the department head within 14 days of the date of the request. The college or division will forward the request to the resident director within 14 days. The resident director shall provide a recommendation to the merit system director within 20 working days. The merit system director or designee shall provide a decision within 20 working days to the resident director who will inform the employee and department designee. If the employee or department is not satisfied with the merit system director's decision, the employee or designee may appeal the decision in writing within seven days of the decision to a qualified classification appeal committee appointed in accordance with the procedures approved by the board.

The classification appeal committee will conduct such investigation as it deems necessary to determine the proper classification of the position and will notify the involved parties of its decision within 45 days from receipt of the appeal. Any further requests for review of the same position must be presented to the resident director in compliance with this rule and will be considered a new classification review. A new classification review will not be allowed for one year following the final decision on a request for review unless there have been substantial changes in the duties and responsibilities of the position. An appeal will be considered based on the duties and responsibilities assigned at the time of the original classification review, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the original request for review be considered during the process of appeal as outlined above.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.25(8A) Grievances. Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in rule 681—3.24(8A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with subrule 3.25(1). Employees in an initial probationary period will be allowed access to the grievance procedure as outlined below, with the exception of dismissal during probation that cannot be appealed. A university representative may permit an oral presentation at any step if the university representative deems

an oral presentation necessary. At each step of the grievance procedure, the employee may be represented by one or two coworkers of the employee's choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

Step 1. An employee will first discuss the employee's problem with their immediate supervisor. It is presumed the majority of issues will be resolved at this point. If the employee is dissatisfied after such discussion, the employee may, within 14 days after the occurrence of the matter leading to the grievance or within 14 days after such time the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with their department head or designee. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the university or merit system rule allegedly violated and will state the corrective action desired by the employee. The grievance will be signed and dated by the employee. The department designee will review the grievance and notify the employee of the decision in writing within 14 days after receiving the grievance.

Step 2. If the employee is not satisfied with the decision of the department head or designee, the employee may within seven days after receiving that decision, appeal it to the dean of the college or the head of the major operating division or designee(s) in which the employee is employed. The dean or the division head and the resident director or designee(s) will jointly represent the university at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and may affirm, reverse, or modify the decision of the department head. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

Step 3. If the employee is not satisfied with the decision rendered at Step 2 of the grievance procedure, the employee may within seven days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or the chief administrator's designee will investigate the grievance and may affirm, reverse, or modify the decision rendered at Step 2. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

Step 4. If the employee is not satisfied with the decision rendered under Step 3 of the grievance procedure, the employee may within seven days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under subrule 3.25(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board shall retain jurisdiction to review decisions of the merit system director as to whether a matter is grievable or arbitrable upon appeal by an employee.

3.25(1) *Institutional grievance procedure.* An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in rule 681—3.25(8A) provided that such a procedure begins with discussion between the employee and the employee’s immediate supervisor and provides for a final hearing in accordance with Step 4 of the grievance procedure prescribed herein. This institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, the procedure prescribed in rule 681—3.25(8A) will apply.

3.25(2) *Appeals.* The board will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service or the Iowa employment appeal board with a preference for those Iowans so certified.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board within the prescribed time.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

LEAVES OF ABSENCE

681—3.26(8A) Sick leave. An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated sick leave as a result thereof.

A permanent employee who has recovered after exhausting all accumulated sick leave and vacation time and has a medical release to return to work will, at the employee’s request, be given recall priority consistent with subrule 3.21(1), effective with the date the employee was released to return to work.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.27(8A) Family care and funeral leave. An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

1. Not to exceed three days for each occurrence in the case of death in the employee’s immediate family;
2. Not to exceed one day for each occurrence for service as a pallbearer at the funeral of a person not a member of the employee’s immediate family; and
3. Not to exceed 40 hours a year for the care of or necessary attention of ill or injured members of the employee’s immediate family. An employee may carry over up to 40 hours of unused family care leave to the next year, for a maximum utilization of 80 hours in the next year.

All such time off will be charged to the employee’s sick leave and will not be granted in excess of the employee’s accrued leave. For the purpose of this rule, “immediate family” is defined as the employee’s spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee’s spouse, and other persons who are members of the employee’s household.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

681—3.28(8A) Leave of absence without pay. In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee’s requests for a leave of absence without pay for up to one year. With the same approval, such a leave may be extended for no more than one additional year.

On conclusion of a leave of absence without pay, an employee, if qualified, will be returned to the position from which the employee was granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.

[ARC 0418D, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code section 8A.412(5).

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¹ Effective date of 9/20/95 for amendments to 681—3.14(19A), definition of “Probationary period”; 3.39(12); 3.102(1), delayed 70 days by the Administrative Rules Review Committee at its meeting held September 13, 1995. Delay lifted by this Committee November 13, 1995, effective November 14, 1995.

CHAPTER 4
TRAFFIC AND PARKING AT UNIVERSITIES
[Prior to 4/20/88, Regents, Board of[720]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

681—4.1(262) Purpose. The purpose of these rules is to provide for the policing, control and regulation of traffic and of parking vehicles on the campuses of the State University of Iowa, Iowa State University and the University of Northern Iowa.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.2(262) Definitions. For the purpose of these rules, the following definitions shall apply unless the context clearly requires otherwise, and all other words shall have meaning according to their common usage.

“Appointed authority” means the person or entity designated by the president of a university to perform any function or duty required or permitted hereunder.

“Bicycle” means any vehicle having two or three wheels and fully operable pedals that is a traditional bicycle designed solely to be pedaled by the rider. An electric/battery-powered bicycle designed not only to be pedaled by the rider but also propelled by an electric motor of less than 750 watts (one horsepower) may be treated as a bicycle.

“Campus” means all property under the control of a university.

“Employee” means any person regularly employed by a university who is not a student.

“Guest” means any person other than a person living at the designated residence hall.

“Handrail” means any railing intended to provide physical support to a pedestrian.

“Immobilization” of a bicycle consists of restricting the bicycle’s use by detaining it at the point of infraction with a university locking device.

“Impoundment” of a bicycle consists of removing the owner’s locking device, transporting the bicycle to a university facility, and detaining it with a university locking device.

“In-line skates” means any frame or shoe with a single row of wheels that is used for gliding or skating. In-line skates are also known as Rollerblades.

“Motorcycle” means any vehicle that is self-propelled, has fewer than four wheels in contact with the ground, and is not a bicycle or a motorized mode of transportation. For purposes of these rules, mopeds and motorized bicycles propelled by an electric motor of 750 watts (one horsepower) or more are considered motorcycles.

“Motorized modes of transportation” are any wheeled devices that are designed to be stood upon when riding or that have a seat and footrests in place of the floorboard and are powered by an electric/motorized motor. For purposes of these rules, these would include but are not limited to electric scooters, electric skateboards (includes one-wheel models), and Segways.

“Motor vehicle” means any vehicle that is self-propelled, has four or more wheels in contact with the ground, and is not a motorized mode of transportation.

“Roller skates” means any frame or shoe with a pair of small wheels near the heel and near the toe that is used for gliding or skating.

“Skateboard” means any board or platform with attached wheels used for individual transportation. For purposes of these rules, a nonmotorized scooter (a board with a handle) is considered a skateboard.

“Street furniture” is any structure or accessory in a university pedestrian area or slow zone designed for the benefit of pedestrians. This includes but is not limited to benches, tables, lampposts, and trash receptacles.

“Student” means any person registered with the university for academic credit who is not employed by the university on a full-time salaried or equivalent basis.

“University,” unless specifically indicated herein, means the state University of Iowa, Iowa State University or the University of Northern Iowa.

“Vehicle” means any wheeled or treaded device used or designed for use as a means of transportation or conveyance of persons or property.

“Visitor” means any person who owns, operates or parks a vehicle on the university campus who is not a student or an employee.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.3(262) General traffic.

4.3(1) The appointed authority may establish rules governing traffic violations and the safe operation of all vehicles, including motor vehicles, motorcycles, motorized modes of transportation, skateboards, in-line skates, roller skates, and bicycles, on institutional roads and property as the appointed authority deems necessary. Such traffic rules shall be available for inspection during business hours at the office of the appointed authority and the state board of regents. Traffic violations may also be charged and prosecuted as violations of Iowa Code chapter 321 and section 262.68. All state of Iowa motor vehicle laws are in effect on campus.

4.3(2) The appointed authority shall erect speed limit signs on institutional roads and property.

4.3(3) The appointed authority is delegated authority to make temporary changes in traffic patterns, including establishment of one-way roads and road closures, where necessary because of construction or special events being held on campus.

4.3(4) The appointed authority is delegated authority to erect traffic control signs and devices and to designate the following areas: pedestrian crosswalks; bicycle lanes; no bicycling, skateboard, in-line skating and roller skating areas; bicycle dismount zones; and pedestrian-only areas. The appointed authority is also delegated authority to restrict access to campus roads, parking lots and other facilities by means of gates or other barriers. Roads or portions of roads may be closed to vehicle traffic or limited to specific vehicles. Access to restricted areas is limited to established gate openings or designated entrances, and no other means of access is permitted. Moving or driving around authorized barriers is prohibited. All vehicle operators must obey all signs directing traffic flow on campus.

4.3(5) Pedestrians shall be given the right-of-way at all crosswalks or when in compliance with existing traffic controls.

4.3(6) Driving of motor vehicles, motorcycles, and motorized modes of transportation on university property other than roads is prohibited unless specific areas have been designated for such use by the appointed authority or special permission has been granted by the appointed authority.

4.3(7) Driving of motor vehicles and motorcycles on parts of institutional roads marked as bicycle lanes or on designated bicycle paths is prohibited.

4.3(8) The appointed authority is delegated authority to have the university public safety department investigate accidents that occur on university property.

4.3(9) Every person riding a bicycle, roller skates, skateboard, in-line skates, or motorized modes of transportation on a street or highway on campus is granted all the privileges and is subject to all the regulations applicable to a driver of any motor vehicle on that street or highway and to the special regulations of this subrule.

a. A bicycle rider on campus must:

(1) Obey the instructions of official traffic control devices, signs and signals applicable to motor vehicles unless otherwise directed by a peace officer or other authorized traffic director;

(2) Obey the direction of any sign whenever authorized signs are erected indicating that no right, left or U-turn is permitted;

(3) Obey the regulations applicable to pedestrians when the bicycle rider dismounts from the bicycle;

(4) Yield the right-of-way to all vehicles approaching on a street whenever a rider is on a separate bicycle path that intersects the street;

(5) Not use campus sidewalks except those specifically designated as bicycle paths;

(6) Yield the right-of-way to any pedestrian in a designated crosswalk;

(7) Not ride on lawns.

b. This subrule does not apply to peace officers of the university's department of public safety while they are acting within the scope of their regularly assigned duties.

4.3(10) Roller skates, in-line skates, and skateboards are permitted on campus sidewalks. Roller skates, in-line skates, and skateboards may be carried into university buildings, but they may not be ridden in university buildings. Bicycles, motorized modes of transportation, motorcycles, and motor vehicles are not permitted on campus sidewalks or in university buildings unless approved by the appointed authority. No vehicles may be used or ridden on stairways, sub-walks, elevated sidewalks, access ramps, steps, retaining walls, handrails, street furniture or other architectural elements; on or in planting, grass or seeded areas; or where otherwise prohibited by sign, peace officer or other authorized traffic director. All vehicles must yield the right-of-way to any pedestrian and any wheelchair or other mobility assistance device for the disabled.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.4(262) Registration.

4.4(1) *Students.* Every motor vehicle and motorcycle that is operated or maintained by a student on campus must be registered with the university, and a registration identification must be displayed on such vehicles in the manner prescribed by the appointed authority. A student must register the motor vehicle or motorcycle within 48 hours of initial operation of such vehicles on campus.

4.4(2) *Employees.* Motor vehicles and motorcycles owned or operated by employees may be registered with the university if the employee so desires, but registration of such vehicles is not required unless the employee desires parking privileges on the campus. A registration identification may be issued for display on such vehicles registered by employees.

4.4(3) *Visitors.* Motor vehicles and motorcycles owned or operated by visitors may be registered with the university if the visitor so desires, but registration of these vehicles is not required unless the visitor desires parking privileges on campus or the visitor needs temporary or extended access to parking lots. A registration identification shall be displayed on motor vehicles and motorcycles registered by visitors in the manner prescribed by the university.

4.4(4) *Procedure.* Applications for registration shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall register any motor vehicle or motorcycle owned or maintained by another student. No fee shall be charged for registration without parking privileges.

4.4(5) *Bicycles.* Each university may prescribe additional policies regarding the registration of bicycles.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.5(262) Parking facilities. The university may set aside and designate certain areas of the campus for the parking of motor vehicles, motorcycles, motorized modes of transportation, and bicycles, and the use of any lot, ramp, or part of the parking facilities so established may be restricted to students, employees, or visitors. The appointed authority shall cause signs to be erected and maintained clearly identifying those areas of the university campus designated for vehicle parking, and any restrictions applicable thereto shall be conspicuously posted.

4.5(1) *Parking control devices.* Gates and other devices may be installed and maintained to control access to any parking facility.

4.5(2) *Parking meters.* Parking meters, toll houses, mobile parking applications, and other devices may be installed and maintained to regulate the use of any parking facility.

4.5(3) *Hours of operation.* Reasonable hours shall be established by the university for the normal operation of the parking facilities, and a schedule of hours of operation shall be published and available for public inspection in the office of the appointed authority.

4.5(4) *Closing.* The appointed authority may temporarily close any parking facility for cleaning, maintenance or other university purpose or may temporarily restrict or reassign the use of any facility as may be necessary or convenient. The appointed authority shall give advance notice of such temporary

closing, restriction, or reassignment by posting or otherwise when practical. No parking fees will be refunded during the temporary closing of a parking facility.

4.5(5) *Restricted zones.* The appointed authority may designate areas of the campus as restricted zones, such as loading zones or service vehicle zones, and such restricted zones shall be conspicuously posted. No parking shall be permitted in such restricted zones except as authorized.

4.5(6) *No parking.* Motor vehicle, motorcycle, and motorized mode of transportation parking on the campus shall be restricted to designated parking facilities, and no parking for motor vehicles, motorcycles, or motorized modes of transportation shall be permitted at any other place on the campus.

a. Vehicles shall not be parked in such a manner as to block or obstruct sidewalks, crosswalks, driveways, roadways, or designated parking stalls.

b. No parking is permitted in prohibited zones, such as in the vicinity of fire hydrants or fire lanes, and such zones shall be conspicuously posted or marked by painted curbs or other standard means.

c. No parking is permitted on grass or other vegetation or in pedestrian areas.

d. Motor vehicles are not allowed in university buildings except:

- (1) Where a shop or garage is designated as a vehicle repair or storage area;
- (2) Where there is a designated vehicle loading area; or
- (3) Where there is a parking ramp or deck.

e. Improper parking is parking in any place on campus other than those areas designated for parking.

f. Improper parking is parking incorrectly in designated parking areas. Improper parking includes but is not limited to:

- (1) Parking in an area restricted by signs;
- (2) Parking without an appropriate permit;
- (3) Parking in an area designated for persons with disabilities;
- (4) Parking in a loading zone over the time limit; and
- (5) Parking over a stall marker line.

4.5(7) *Motorcycle parking.* The appointed authority may designate areas of the parking facilities for motorcycle parking, and such areas shall be conspicuously posted. Motorcycles shall be parked only in areas designated for motorcycle parking, and no other vehicles shall be parked in such areas. The university may require that a parking permit be displayed on all motorcycles.

4.5(8) *Bicycle parking.* The appointed authority may install and maintain bicycle parking racks or designate other facilities for bicycle parking. Bicycles shall be parked only in bicycle racks or other facilities designated for bicycle parking. Bicycles may not be taken inside university buildings except as approved by the appointed authority. Locking devices on improperly or illegally parked and abandoned bicycles may be cut and removed when necessary.

4.5(9) *Abandoned bicycles.* Bicycles considered abandoned may be labeled for impending impoundment by placing impoundment tags on the bicycles. If the bicycles display the proper registration decals, an attempt will be made to contact the owners to remove the bicycles. If the bicycles do not display the proper registration decals, the owners have two weeks to contact the parking and transportation office from the time the bicycles are tagged until the bicycles may be impounded.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.6(262) *Parking privileges.* Students, employees, and visitors may be granted parking privileges on the campus in accordance with these rules and upon such other reasonable terms and conditions as may be established by the university.

4.6(1) *Students.* Students may be granted parking privileges in parking facilities designated for student use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of a student's age, class, college or department, course load, proximity of the student's residence to the campus, disability, employment, the availability of facilities, or any other relevant criterion to determine the eligibility of students for parking privileges or any optional plan or facility.

4.6(2) *Employees.* Nonstudent employees may be granted parking privileges in parking facilities designated for employee use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of an employee's job classification, length of service, place of work or the nature thereof, or disability; the availability of facilities; or any other relevant criterion to determine the priority of employees for assignment of parking privileges or any optional plan or facility.

4.6(3) *Visitors.* Visitors may be granted parking privileges in parking facilities designated for visitor parking. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of the time, duration or purpose of the visit; disability; the availability of facilities; or any other relevant criterion to determine the eligibility of visitors for parking privileges or any optional plan or facility.

4.6(4) *Persons with disabilities.* Persons with disabilities will be granted parking privileges in parking facilities designated for use by persons with disabilities.

4.6(5) *Procedure.* Applications for parking privileges shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall apply for parking privileges for any vehicle owned or maintained by another student. The appointed authority shall determine the eligibility and priority of each applicant for parking privileges within the classifications established in subrules 4.6(1), 4.6(2) and 4.6(3) and shall make all parking assignments. A parking permit or other means of identification may be issued to each applicant who is granted parking privileges, and such permit or other identification must be displayed on the vehicle in the manner prescribed by the appointed authority. Parking permits are not transferable. Parking privileges shall not be granted to a student and to an employee or visitor for the same vehicle, and a student parking permit and an employee or visitor parking permit shall not be displayed on the same vehicle. The unauthorized possession, use, alteration, forging or counterfeiting of a parking permit, or any portion thereof, is prohibited. The appointed authority shall adopt a procedure to replace lost, stolen and destroyed parking permits and controlled access entry cards.

4.6(6) *Parking fees.* The university may assess and collect from students, employees, and visitors reasonable fees or charges for parking privileges and the use of parking facilities. The amount of such fees and charges shall be established by the university and approved by the state board of regents, and a schedule of all parking fees and charges shall be published and available for inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. Parking fees and charges may be assessed and collected on an annual, semester, monthly, daily, or hourly basis. Parking fees and charges may be added to student tuition bills and may by agreement be withheld from the salaries or wages of employees by payroll deduction. Parking fees and charges may be collected by means of parking meters, toll houses, and mobile parking applications. Use of any parking facility constitutes an implied agreement to pay the prescribed fee or charge therefor.

4.6(7) *University business.* Special parking privileges may be granted for vehicles being used on official university business on the conditions and in the manner prescribed by the appointed authority.

4.6(8) *Responsibility.* Any person who maintains, owns or operates a vehicle that is parked on the campus or in whose name the vehicle is registered or to whom parking privileges have been granted is responsible for the proper parking of the vehicle at all times when it is on the campus and for all parking violations involving the vehicle.

4.6(9) *Liability.* Parking privileges granted hereunder constitute a license to use university parking facilities and do not constitute a lease of such facilities or a bailment of the vehicle by the university. Use of university parking facilities is at the owner's or applicant's risk, and the university shall not be liable or responsible for loss of or damage to any vehicle parked on the campus.

4.6(10) *Revocation.* Parking privileges on the campus may be revoked by the university for good cause at any time upon five days' written notice and refund of any advance payment of parking fees or charges on a pro rata basis for the revoked period.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.7(262) Violations. Sanctions may be imposed for violation of traffic, registration and parking rules as follows.

4.7(1) *Notice of violations.* The university shall give written notice of all parking violations. Such notice may be given by means of a notice of parking violation placed conspicuously on the offending vehicle or provided in an alternative manner as determined by the appointed authority, and such notice shall constitute constructive notice of the violation to the owner and operator of the vehicle and to any person in whose name the vehicle is registered or parking privileges have been granted.

4.7(2) *Sanctions.* Reasonable monetary sanctions may be imposed upon students, employees, and visitors for violation of university traffic, vehicle registration or parking rules. The amount of such sanctions shall be established by the university and approved by the state board of regents, except sanctions established by statute will be imposed at the current statutory amount. A schedule of all sanctions for traffic violations, improper registration and parking shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. Traffic, registration, and parking sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to the person's university account. Registration and parking sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

4.7(3) *Impoundment and immobilization.* Any vehicle parked on the campus in violation of parking rules may be impounded, removed or immobilized. The university shall give written notice of impoundment to the owner of the vehicle or to the person in whose name the vehicle is registered or parking privileges have been granted, or notice may be provided in an alternative manner as determined by the appointed authority. A reasonable fee may be charged for the cost of impoundment and storage, which fee must be paid prior to the release of the vehicle by the university or by contract with private operators. Impounded vehicles that are not claimed within 60 days will be deemed abandoned property and may be sold under procedures set forth in Iowa Code chapter 579, and the proceeds of the sale will be applied to the payment of the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner.

a. Immobilization. Immobilized bicycles bearing proper registration permits may be claimed by proving ownership and payment of immobilization fees and any fines. Immobilized bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycle under a valid name and address, and paying the appropriate fines and immobilization fees. Immobilization fees for first-time offenders may be waived after immobilized bicycles have been registered. Immobilized bicycles not reclaimed after two working days may be impounded.

b. Impoundment. Impounded bicycles bearing proper registration permits may be claimed by proving ownership and paying the impoundment fees and any fines. Impounded bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycles under a valid name and address, and paying the appropriate fines and impoundment fees. Impoundment fees for first-time offenders may be waived after impounded bicycles have been registered. All impounded bicycles will be held for 60 days, during which time they may be claimed by the owners upon payment of all outstanding fines and charges. After 60 days, all unclaimed impounded bicycles will be deemed abandoned property and sold pursuant to Iowa law, and the proceeds applied to the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner, if known.

4.7(4) *Administrative hearing.* Students and employees may request a hearing and administrative ruling concerning a controversy, based on the imposition of a sanction for a registration or parking violation, or an impoundment procedure, by the appropriate university official or hearing body as set forth in university policy. Visitors may request the appointed authority to conduct a hearing and issue an administrative ruling in such cases.

4.7(5) *Judicial review.* Judicial review of an administrative ruling may be sought in an Iowa district court in accordance with the terms of the Iowa administrative procedure Act.

681—4.8(262) Administration of rules. The president of the university shall be responsible for the proper administration of these rules. The president is authorized to establish traffic and parking procedures not inconsistent with these rules as may be reasonably necessary and convenient for the effective administration of presidential duties hereunder, and any procedure so established shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. The president may delegate authority under these rules to the appointed authority or to any other person designated by the president to perform any function or duty hereunder.

[ARC 0419D, IAB 7/8/26, effective 8/12/26]

681—4.9(262) Effect of rules. These rules constitute a condition of registration as a student at the university and a condition of employment as an employee of the university. Registration as a student or acceptance of employment constitutes an acceptance of these rules and an agreement to pay all prescribed fees and monetary fines imposed in accordance with these rules.

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These rules are intended to implement Iowa Code section 262.69.

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CHAPTER 5
STATE HYGIENIC LABORATORY
[Prior to 4/20/88, Regents, Board of(720)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

GENERAL REGULATIONS

681—5.1(263) Scope of services.

5.1(1) *Scientific.* The laboratory provides analytical and reference services, surveillance information, disaster and terrorism response, population data, microbiological, biological, and chemical examinations and other investigations in the areas of disease, newborn and maternal screening, fieldwork and the assessment of environmental quality.

5.1(2) *Consultative.* The professional staff of the laboratory provide regulatory review, consultative assistance, and data interpretation and evaluation of environmental effects and scientific needs to persons, agencies, and organizations with interest or involvement in public and environmental health.

5.1(3) *Education and training.* As part of the laboratory's academic mission, staff of the laboratory provide education and training for professional colleagues, educators, students, citizens, policymakers and anyone interested in public and environmental health through appropriate educational methods.

5.1(4) *Applied research.* The laboratory conducts scientific research designed to solve practical problems and to translate basic research to improve public and environmental health.

[ARC 0420D, IAB 7/8/26, effective 8/12/26]

681—5.2(263) Specimens examined.

5.2(1) *Classification.* This being the state public health and environmental laboratory, specimens submitted to it should have a direct or probable significance that is actionable for public health, medical management, or the quality and preservation of the environment.

5.2(2) *Who may submit specimens.*

a. Licensed physicians, osteopathic physicians, and other licensed practitioners may submit specimens for the diagnosis and control of communicable or other diseases in which such tests are required by the state department of public health.

b. Veterinarians may submit animal specimens involving diseases of animals that are communicable to humans.

c. The department of health and human services may submit specimens as stated in Iowa Code section 263.8(2). Other programs, services, and studies may be negotiated on a contractual basis.

d. The natural resources department may submit specimens necessary in the conduct of its fundamental responsibilities relative to municipal water supplies. Other programs, services, and studies may be negotiated on a contractual basis.

e. Other state agencies, institutions, and municipalities may submit specimens, generally under a contractual arrangement if the submission is to be of a regular or routine nature.

f. Local departments of health may submit specimens when performing official functions of state regulatory agencies. The examination of other specimens necessary in the support of locally directed programs are provided only with prior clearance and cost negotiations.

g. Private individuals may submit specimens to address infectious disease or environmental concerns.

h. Privately owned industries and businesses may submit specimens for environmental studies by prior arrangement with the laboratory on a fee-based contractual basis.

i. Public schools may submit specimens at the discretion of the school nurse, consulting physician, principal, or upon recommendations of the local department of health.

j. Any agency, organization, business or individual impacted by a natural disaster may submit specimens that require testing to ensure health and safety.

k. First responders, hazmat teams, the Radiological Emergency Response Team, the 71st Civil Support Team, the FBI, the United States Postal Service and any other officially recognized law enforcement or terrorism response agency may submit samples for identification and confirmation of potential weapons of mass destruction (WMD) according to the Iowa Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Protocol.

[ARC 0420D, IAB 7/8/26, effective 8/12/26]

681—5.3(263) Charges.

5.3(1) Specimens for which the fee may be waived or deferred by the laboratory:

a. Specimens submitted relating to diseases communicable from human to human, from animals to human, provided such examinations are required by rules of the state department of public health.

b. Specimens submitted under statutory authority by state agencies or designees of state agencies that are involved in investigations or episodes challenging the health of the public or the quality of the environment. Expenses caused by emergency testing may be eligible for subsequent reimbursement.

c. Any specimen when there is probable cause that a direct threat to public health exists. Such tests may qualify for subsequent reimbursement.

d. Specimens submitted related to the confirmation or identification of potential WMD according to the Iowa CBRNE Response Protocol.

5.3(2) Specimens for which fees are charged:

a. Specimens submitted under no statutory authority that are part of special investigations or surveillance programs and where there is no direct threat to the public health or environmental quality.

b. Specimens submitted for the submitter's private information.

c. Specimens submitted by private concerns and municipalities that are product quality control measures and, therefore, a cost of doing business.

d. Specimens not covered by statute, by rules of the department of health and human services, by rules of the department of natural resources or by this subrule may be examined and charged for at rates to be determined by the laboratory subject to any limitations imposed by law.

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CHAPTER 7
EQUAL EMPLOYMENT OPPORTUNITY
[Prior to 4/20/88, Regents, Board of (720)]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

681—7.1(262) Definitions.

“Bona fide occupational qualification” means a qualification reasonably necessary to the normal function of a position in the operation of a particular business. The concept of the bona fide occupational qualification is narrow in scope and will not be applied to include the mere preference or convenience of the employer.

“Protected class” shall mean any group that is legally protected from discrimination under Iowa Code chapter 216 or applicable federal law.

[ARC 0421D, IAB 7/8/26, effective 8/12/26]

681—7.2(262) Equal employment opportunity.

7.2(1) *Nondiscrimination in employment.* The state board of regents and all institutions under the jurisdiction of the state board of regents shall appoint, assign, and advance employees on the basis of merit and fitness. Each institution under the jurisdiction of the state board of regents shall promulgate a written policy of nondiscrimination in employment.

7.2(2) *Personnel administration.* The state board of regents office and all institutions under the jurisdiction of the state board of regents shall regularly review its personnel practices and procedures with a view to correcting personnel practices and procedures that may contribute to discrimination in appointment, assignment, or advancement. Each institution shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment. Each institution shall also bar from all employment application forms any inquiry as to protected class unless it relates to a bona fide occupational qualification.

[ARC 0421D, IAB 7/8/26, effective 8/12/26]

681—7.3(262) Contract compliance.

7.3(1) *Equal employment opportunity.* The state board of regents and all institutions under the jurisdiction of the state board of regents are responsible for the administration and promotion of equal opportunity in contracts and services and the prohibition of discriminatory and unfair practices within any program administered by institutions under the jurisdiction of the state board of regents receiving or benefiting from state financial assistance in whole or in part. Every official responsible to the state board of regents who is authorized to make contracts or subcontracts for construction or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory employment practices in violation of federal and state laws, regulations, and executive orders that pertain to equal employment opportunity.

7.3(2) *Procedures.* Any individual aggrieved by a contractor’s alleged noncompliance with the state board of regents equal employment opportunity policy may file a complaint with the institutional office designated for receiving and investigating complaints of discrimination. Complaints shall be investigated in accordance with established institutional policies and procedures.

7.3(3) *Bidding requirement.* All construction specifications shall include, in the “instruction to bidders,” the following paragraph: “Bidders shall file with each bid a completed state board of regents equal employment opportunity data reporting form as included in the specifications or certify on the certificate of reporting that they have filed their annual equal employment opportunity data reporting form with the state board of regents equal opportunity compliance office.”

[ARC 0421D, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code chapter 19B.

[Filed 6/27/75]

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CHAPTER 9
POLICIES, PRACTICES AND PROCEDURES
[Prior to 4/20/88, Regents, Board of[720]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

681—9.1(262) Uniform rules of personal conduct.

9.1(1) *Rules of personal conduct.* The acts of misconduct defined in this subrule apply at the universities governed by the state board of regents. The universities are authorized to adopt other definitions of misconduct in addition to those in this rule. Any person, student, member of the faculty or staff, or visitor who intentionally commits, attempts to commit, or incites or aids others in committing any of the following acts may be subject to disciplinary action:

- a.* Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university or university-authorized function or event.
- b.* Unauthorized occupation or use of or unauthorized entry into any university facility.
- c.* Physical abuse or the threat of physical abuse against any person on the campus or at or during any university-authorized function or event, or other conduct that threatens or endangers the health or safety of others.
- d.* Theft of or damage to property of the university or of a person on the campus or at or during any university-authorized function or event.
- e.* Interference with the right of access to university facilities or with any other lawful right of any person on the campus.
- f.* Setting a fire on the campus or at or during any university-authorized function or event without proper authority.
- g.* Use or possession of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or explosive or incendiary devices except as expressly authorized by the university or applicable law on the property or during any university-affiliated function or event.
- h.* Participation in a riot or unlawful assembly, or failure to disperse, as defined by state law, whether such acts occur on or off the campus.
- i.* Violation of any rule of conduct promulgated by the university.

9.1(2) *Sanctions.*

- a.* Any student or member of the faculty or staff who is found to have violated any of the rules of personal conduct set forth in rule 681—9.1(262) may be sanctioned up to and including suspension, expulsion, or termination of employment.
- b.* A person who applies for reinstatement to or reemployment by the university following a sanction of expulsion or termination may be denied reinstatement or reemployment if it is found that such person has committed any acts of misconduct specified in rule 681—9.1(262). A person denied reinstatement or reemployment under this subrule may seek further review of the decision in accordance with established university procedures.
- c.* Any sanction imposed under subrule 9.1(2) shall have operative effect at all universities.

9.1(3) *Emergency power.*

a. The president is authorized to declare a state of emergency to exist at the institution upon a determination that violent actions or disruptive activities at the university are of such a nature as:

- (1) To present a clear and present danger to the orderly processes of the university or to persons or property on the campus, and
- (2) To require extraordinary measures to:
 - 1. Safeguard persons or property at such institution, or
 - 2. Maintain educational or other legitimate institutional functions.

b. The state of emergency shall cease to exist automatically 48 hours after it is declared unless the president, after reviewing the situation, determines that the state of emergency should be extended, such determination to be made under the standards established in subparagraphs 9.1(3)“a”(1) and “a”(2). Each

extension shall be for a maximum period of 48 hours with a new determination being made for each extension. The president may declare the state of emergency to be over before the 48-hour period has run.

c. As soon as feasible after declaring a state of emergency, the president shall notify the state board of regents of actions taken.

d. Upon a finding by the president as set forth in paragraph 9.1(3)“a,” the president is authorized to take such action as may be necessary to eliminate or alleviate a clear and present danger to the orderly processes of the university and to safeguard persons or property at the university or to maintain educational or other legitimate university functions, including barring a particular person or persons from the campus.

9.1(4) *Sanctions under emergency power.* Any person who is found to have knowingly violated a presidential order issued as contemplated in subrule 9.1(3) may be disciplined, up to and including expulsion or termination from the university.

9.1(5) *Constitutional rights.* The foregoing rules shall be construed so as not to abridge any person’s constitutional rights under the First Amendment of the Constitution of the United States.

[ARC 0422D, IAB 7/8/26, effective 8/12/26]

681—9.2(262) Transfers.

9.2(1) *Transfers among regent institutions.* Admission is denied if the applicant currently is under disciplinary suspension or has been dismissed from one of the other regent universities for violation of the state board of regents’ rules of personal conduct and is not eligible to reenter. Further, if such transfer applicant is currently on probation for having violated the state board of regents’ rules of personal conduct at one university, the applicant, if admitted to another regent university, is admitted on probation.

9.2(2) *Transfers from nonregent institutions.* If the application for admission or the transcript from another institution shows that the applicant is not eligible to reenroll there, further inquiry will be made to determine the reason. Such inquiry may lead to admission, conditional admission, or denial of admission. Appeals from the decision will be referred to appropriate university channels.

9.2(3) *Applications from visitors.* A visitor to the campus who is believed to have violated the rules of personal conduct and who later applies for admission or employment may be denied admission or employment because of the applicant’s prior conduct, subject to review if the denial is appealed by the applicant. An applicant who would be subject to such a denial and review at any university governed by the state board of regents shall be subject to the same denial and review by the other two regent universities if application for admission or employment is made to them. The three universities shall cooperate in making known the identity of persons barred from admission or employment among all three institutions.

[ARC 0422D, IAB 7/8/26, effective 8/12/26]

681—9.3(23A) Competition with private enterprise.

9.3(1) *Definitions.*

“*Compete*” means to engage in, either directly or by or through another state agency or political subdivision, the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public that are also offered by private enterprise. “*Compete*” does not include the use of goods or services exclusively by the institution.

“*Institutions*” means the State University of Iowa, the University of Northern Iowa, and Iowa State University of Science and Technology.

“*Private enterprise*” means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit.

9.3(2) *Policy in writing.* Each institution shall have a written policy that contains:

a. A mechanism for reviewing proposed activities involving the sale of goods and services to ensure that the activities are permitted as set forth in this rule; and

b. A procedure for receiving, reviewing, and responding to inquiries about activities carried out by the institution.

9.3(3) *Prohibition.* Institutions shall not engage in activities that compete with private enterprise except as provided below.

9.3(4) *Exceptions provided by statute.* This prohibition does not apply to the activities of an institution as provided in Iowa Code section 23A.2(8) “k”(1) through “k”(10) or any other applicable provision of Iowa law.

9.3(5) *Exemptions.* The state board of regents exempts the following activities from the prohibition against competition with private enterprise.

a. Goods and services that are directly and reasonably related to the mission of the institution, including but not limited to:

(1) Conferences, institutes, outreach programs, specialized centers and other efforts and programs that provide continuing education;

(2) Child day care services and health services provided to members of the university community;

(3) Educational media, publication, distribution, and audiovisual centers and services;

(4) Family and guest housing or short-term lodging;

(5) Laundry, custodial, maintenance, and similar services.

b. Goods and services offered to only students, employees, or guests of the institution or school and that cannot be provided in a timely manner by private enterprise at the same or lower cost and of the same or better quality or terms.

c. Use of institutional aircraft and vehicles in connection with institution-related travel.

d. Durable medical equipment or devices sold or leased for use off premises of an institution or University of Iowa Hospitals and Clinics.

e. Goods or services that are not otherwise available in the quantity or quality required by the institution, including but not limited to specialized course materials, equipment, supplies, software, and publications.

f. Telecommunications systems utilized for communications and broadcast and narrowcast communication systems, including microwave, fiber-optic and satellite communications.

g. Facilities, programs, and associated support services for fitness and recreation.

h. Food services and sales.

i. Sales of books, records, tapes, software, educational equipment and supplies, and personal computers and associated hardware.

j. Goods and services provided to other state board of regents institutions; affiliates of state board of regents institutions; federal, state, and local government entities; nonprofit organizations; entities established pursuant to Iowa Code chapter 28E; and student organizations.

k. Public-private partnerships or similar economic development projects that are initiated for the benefit of one or more institutions as determined by the state board of regents.

9.3(6) *Appeal process.*

a. A private enterprise that seeks to appeal an action or activity of an institution shall attempt to resolve the issue at the institutional level. The form of appeal to the institution shall be a letter to the chief business officer.

b. If the private enterprise is dissatisfied with the institution’s response, the private enterprise may notify the executive director of the state board of regents and request assistance. This request shall be in writing and shall describe the action or activity that is being appealed.

c. The executive director may then take action to assist the private enterprise and the institution in resolving the issue.

d. If the issue remains unresolved, the executive director, at the request of the private enterprise, may docket the matter for review by the state board of regents. If the matter is docketed, the executive director will prepare a recommendation for the state board of regents to consider. A copy of the recommendation with notice of the time, date, and place of the meeting for which the matter has been docketed shall be transmitted to the private enterprise and the institutions prior to the meeting.

e. State board of regents action shall constitute a final agency action.

This rule is intended to implement Iowa Code chapter 23A.

681—9.4(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regents institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.

[ARC 0422D, IAB 7/8/26, effective 8/12/26]

681—9.5(262) Contracting authority. Except for authority retained by the state board of regents pursuant to law, rule, or state board of regents policy, the state board of regents delegates to the president of each university the authority to enter into contracts and agreements. Each president may delegate the president's authority, in whole or in part, to other employees at the president's university.

[ARC 0422D, IAB 7/8/26, effective 8/12/26]

681—9.6(262) Adoption of rules and policies. The president of each institution is delegated the authority to adopt policies as may be appropriate for the operation of the institution and that are not inconsistent with the general rules and policies adopted by the state board of regents. The state board of regents retains the authority to rescind any institutional policy.

[ARC 0422D, IAB 7/8/26, effective 8/12/26]

These rules are intended to implement Iowa Code chapters 262 and 23A.

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[◇] Two or more ARCs

¹ Effective date of 681—9.4(23A) delayed 70 days from 8/16/89 by the Administrative Rules Review Committee at its August 3, 1989 meeting.

CHAPTER 10
RECORDS MANAGEMENT
[Prior to 4/20/88, Regents, Board of[720]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

681—10.1(305) Records system. The state board of regents' office and each institution governed by the state board of regents shall develop internal procedures governing the management of records, which shall be made available for public inspection. Each system shall incorporate the following:

10.1(1) Procedures dealing with records of transactions of the official business of the institution or state board of regents' office, including design, handling, maintenance, filing, storage, and security.

10.1(2) Procedures dealing with utilization of space, equipment, and supplies.

10.1(3) Schedules for retention of records and the form in which they are to be retained, either in offices or archives.

10.1(4) Schedules for destruction of records and the method to be used.

10.1(5) Standards for reproduction of records.

This rule is intended to implement Iowa Code section 8A.615.

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CHAPTER 11
BOARD OF REGENTS ORGANIZATION AND GENERAL RULES
[Prior to 4/20/88, Regents, Board of[720]]
Rescinded **ARC 0424D**, IAB 7/8/26, effective 8/12/26

CHAPTER 12
UNIVERSITY OF IOWA ORGANIZATION AND GENERAL RULES
[Prior to 4/20/88, Regents, Board of[720]]
Rescinded **ARC 0425D**, IAB 7/8/26, effective 8/12/26

CHAPTER 13
IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
ORGANIZATION AND GENERAL RULES
[Prior to 4/20/88, Regents, Board of[720]]
Rescinded **ARC 0426D**, IAB 7/8/26, effective 8/12/26

CHAPTER 14
THE UNIVERSITY OF NORTHERN IOWA
ORGANIZATION AND GENERAL RULES
[Prior to 4/20/88, Regents, Board of[720]]
Rescinded **ARC 0427D**, IAB 7/8/26, effective 8/12/26

CHAPTER 15
IOWA BRAILLE AND SIGHT SAVING SCHOOL
ORGANIZATION AND GENERAL RULES
[Prior to 4/20/88, Regents, Board of[720]]
Rules transferred to 281—Chapter 11, IAC Supplement 9/3/25

CHAPTER 16
IOWA SCHOOL FOR THE DEAF
ORGANIZATION AND GENERAL RULES
[Prior to 4/20/88, Regents, Board of[720]]
Rules transferred to 281—Chapter 11, IAC Supplement 9/3/25

CHAPTER 17
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

681—17.1(22) Definitions. As used in this chapter:

“*Agency*” means the state board of regents and the institutions it governs—State University of Iowa, Iowa State University of science and technology, University of Northern Iowa, Iowa School for the Deaf, and Iowa Braille and Sight Saving School.

“*Custodian*” means the official delegated authority by the agency to release records or that official’s designee. Custodians are as follows: for the state board of regents, the executive director; for the State University of Iowa, the institutional secretary; for Iowa State University of science and technology, the institutional secretary; for the University of Northern Iowa, the institutional secretary; for Iowa School for the Deaf, the superintendent; and for Iowa Braille and Sight Saving School, the superintendent.

681—17.3(22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.6(22) Procedure by which a subject may have additions, dissents, or objections entered into the record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.7(22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.9(22) Disclosures without consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.10(22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.11(22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.12(22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.13(22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

681—17.14(22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 17.1(22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

17.14(1) *State board of regents.* Personnel and employment management information systems. The above listed records system is collected pursuant to the authority of Iowa Code chapter 262. Storage is in paper form and information cannot be matched, collated and compared.

17.14(2) *State University of Iowa.*

a. Payroll and personnel information system

b. Professional and scientific employees—employment status information system

- c. General service staff employment register
- d. Faculty personnel information system
- e. Student record information system
- f. Student aid resource management system
- g. Gifts and grants information management system
- h. Annual budget line entry system
- i. Student admission information management system
- j. Patient information system
- k. Hospital management information system
- l. Purchasing office management system
- m. Construction/jobs management system
- n. Event ticket sales systems
- o. Motor pool management system
- p. Residence halls management systems

All of the above listed records are collected pursuant to the authority of Iowa Code chapters 262, 262A, 263, 263A, and 271. All are stored in electronic form. Supplementary records in these categories are stored in paper form or on microfilm or microfiche. Information in categories lettered "a" through "i" can be matched, collated, and compared. Information in categories lettered "j" and "k" can be matched, collated, and compared. Information in categories lettered "l" through "p" cannot be matched, collated, and compared.

17.14(3) *Iowa State University of science and technology.*

- a. Student information system, for example, biographical, academic, housing, financial aid and admissions
- b. Personnel information system, for example, biographical, employment, payroll and budget information for the faculty, professional and scientific and merit systems
- c. Accounting information system, for example, accounts receivable, accounts payable, budget system, gifts and grants, and contracts and grants
- d. Telecommunications information system
- e. Miscellaneous information systems, for example, transportation services, media resources, information service biographical files, affirmative action, travel, traffic and library circulation
- f. Veterinary diagnostic laboratory system
- g. University extension system, for example, continuing education units, and plant pathology, horticulture, seed and soil testing
- h. Patient information system
- i. Medical management system
- j. Purchasing system
- k. Police records system
- l. Parking systems registration information
- m. Alumni records and event ticket sales system
- n. State board of regents registered bonds system
- o. Project/construction management systems
- p. Facilities and maintenance information systems

All of the above listed records are collected pursuant to the authority of Iowa Code chapters 262, 262A, and 266. All are stored in electronic form, except categories lettered "f" and "h" which are stored in hard copy form. Duplicate information or copies of the electronically stored information may be found in some cases on microfilm, microfiche or hard copy. Information in categories lettered "a" through "e," "g," "j," "l," and "m" can be matched, collated, and compared. Information in categories "f" and "h" can be matched, collated, and compared only with accounts receivable (see category "c"). The remaining categories cannot be matched, collated, or compared.

17.14(4) *University of Northern Iowa.*

- a. Academic achievement center records systems

- b. Academic advising examination services/orientation information systems
- c. Academic computing center systems
- d. Accounts receivable/payable systems
- e. Admissions information systems
- f. Affirmative action records systems
- g. Alumni foundation/development systems
- h. Architect/planning/engineering records systems
- i. Athletic department records systems
- j. Budget management records systems
- k. College of education/school of business advising center record systems
- l. Continuing education/correspondence/extension records systems
- m. Financial aid information systems
- n. Grants and contracts records systems
- o. Housing/dining systems
- p. Library/archives records systems
- q. Personnel/budget/payroll information systems
- r. Physical plant systems
- s. Purchasing/inventory systems
- t. School of business division of external services records systems
- u. Student information systems (student records)
- v. Student union/student activities records systems
- w. *Academic affairs information systems #
- x. *Ancillary services records systems
- y. *Counseling/health/pharmacy systems
- z. *Deans/department heads/faculty advisors record systems
- aa. *Handicapped services systems #
- ab. *Institutional officials records systems #
- ac. *Institutional research records systems including social/behavioral research center
- ad. *Operations record systems
- ae. *Placement/career center/cooperative education systems
- af. *Price laboratory management/records systems #
- ag. *Public safety records systems
- ah. *Small business assistance center (hazardous waste) record systems
- ai. *Special events record systems
- aj. *Speech/hearing/reading clinics records systems #
- ak. *Student field experience systems #
- al. *United faculty records systems #
- am. *UNISA records systems #

All of the above listed records systems are collected pursuant to the authority of Iowa Code chapters 262, 262A, 265 and 268. Means of storage include electronic unless otherwise noted. Moreover, some records may also be stored in micrographic or paper forms. All or parts of information in each system may be matched, collated, and compared except for those systems noted by an asterisk (*).

Storage in paper or micrographic form only.

17.14(5) *Iowa School for the Deaf.*

- a. Academic
- b. Medical
- c. Business—payroll and purchasing
- d. Residential
- e. Personnel

All of the above listed records, in whole or in part, are maintained on paper and in electronic form. The records stored in electronic form for systems “a,” “b,” “d,” and “e” can be matched, collated, and

compared. Records stored in electronic form for system “c” cannot be matched, collated or compared to any other of the systems. All of the above listed records are collected pursuant to the authority of Iowa Code chapters 262 and 270.

17.14(6) *Iowa Braille and Sight Saving School.*

- a. Payroll and personnel information system
- b. Faculty and administrative personnel information system
- c. Financial accounting data system
- d. Student record information system (academic and medical)
- e. Annual budget system
- f. Evaluation report system for all students
- g. Consultative reports completed for other agencies
- h. Gifts and grants record keeping system
- i. State large print orders system
- j. State lend/lease depository system

Records in “a,” “c,” and “e” are stored in electronic form and can be matched, collated, and compared. Records in “b,” “d,” and “f” through “j” are stored on paper and cannot be matched, collated, or compared. All of the above listed records are collected pursuant to the authority of Iowa Code chapters 262, 262A, and 269.

681—17.15(22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 17.1(22). These records are routinely available to the public. However, the agency’s files of these records may contain confidential information. In addition, some records may contain information about individuals. All records are stored both on paper and in automated data processing systems unless otherwise noted.

17.15(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

17.15(2) Board records. Agendas, minutes, and materials presented to the state board of regents are available from the office of the state board of regents, except those records concerning closed sessions which are confidential under Iowa Code section 21.5(4) and other provisions of law. Board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

17.15(3) Publications. News releases, annual reports, project reports, agency newsletters, etc., are available through the institutions’ offices for public information. Brochures describing various agency programs are available at local offices of the agency.

Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees.

17.15(4) Statistical reports. Periodic reports for various agency programs are available through the institutions’ office for public information.

17.15(5) Grants. Records on persons receiving grants are available through the institutions’ offices for public information. The records may contain information about employees of a grantee.

17.15(6) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

17.15(7) Policy manuals. The agency employees’ manual, containing the policies and procedures for programs administered by the agency, is available in every office of the agency. Policy manuals do not contain information about individuals.

17.15(8) All other records that are not exempted from disclosure by law. The agency maintains a variety of records which do not generally contain information pertaining to named individuals.

17.15(9) All other records that are not exempted from disclosure by law.

17.15(10) All data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

681—17.16(22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 5/27/88, after Notice 3/23/88—published 6/15/88, effective 7/1/88]

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[Filed 5/5/06, Notice 3/1/06—published 5/24/06, effective 6/28/06]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 18
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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 19
PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 20
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

ARCHAEOLOGIST[685]

[Prior to 3/9/88, see Archaeologist[70], Transferred to Archaeologist[685] under the “umbrella” of Regents Board[681]]

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 15
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

685—15.1(17A,22,263B) Definitions. As used in this chapter:

“*Agency*” means the office of state archaeologist (OSA).

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public and records or information contained in records that are specified as confidential by Iowa Code section 22.7, Iowa Code section 263B.10, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record.

“*Custodian*” means the state archaeologist or a person lawfully delegated authority by the state archaeologist to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

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

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

[ARC 9025B, IAB 8/25/10, effective 9/29/10]

685—15.2(17A,22,263B) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.3(17A,22,263B) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.4(17A,22,263B) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.5(17A,22,263B) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.6(17A,22,263B) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.7(17A,22,263B) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.8(17A,22,263B) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

685—15.9(17A,22,263B) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 685—15.1(17A,22,263B). For each record system, this rule describes the legal authority for the collection of that information and the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by OSA are personnel and employment management

information systems, the records for which are collected pursuant to the authority of Iowa Code chapter 263B. Storage is in paper form, though certain employment information may be incorporated into electronic records which could then be matched, collated, or compared.

[ARC 9025B, IAB 8/25/10, effective 9/29/10]

685—15.10(17A,22,263B) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 685—15.1(17A,22,263B). These records are routinely available to the public. However, the agency's files of these records may contain confidential information. In addition, some records may contain information about individuals. All records are stored both on paper and in automated data processing systems unless otherwise noted.

15.10(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

15.10(2) Publications. News releases, annual reports, project reports, and agency newsletters are available through OSA's Web site or from the agency. Any news releases, annual or project reports, or newsletters may contain information about individuals, including agency staff members.

15.10(3) Statistical reports. Periodic reports for various OSA programs may be available from OSA.

15.10(4) Grants/contracts. OSA may have communications with prospective granting agencies or clients about grants or contracts.

[ARC 9025B, IAB 8/25/10, effective 9/29/10]

These rules are intended to implement Iowa Code chapter 22.

[Filed ARC 9025B (Notice ARC 8870B, IAB 6/30/10), IAB 8/25/10, effective 9/29/10]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

REVENUE DEPARTMENT[701]

Created by 1986 Iowa Acts, chapter 1245.

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Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4

DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/26/30

701—5.1(17A,22,99G,123,421-454) Definitions. As used in this chapter:

“Confidential record” means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include but are not limited to records or information contained in records that the department is prohibited by law from making available for examination by members of the public; records or information contained in records that are specified as confidential by Iowa Code section 22.7, 99G.34, or 123.38A, or other provision of law but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record; and confidential state tax information and federal tax information. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“Confidential state tax information” means information that is protected from disclosure by Iowa Code sections 422.20, 422.72, 437A.14, 437B.10, 453B.10, 450.68, and 452A.63. Confidential state tax information includes but is not limited to state tax returns and return information. Confidential state tax information does not include federal tax information (FTI). If confidential state tax information is contained in a record, that record may also be considered a confidential record protected by Iowa Code chapter 22.

“Custodian” means the department, the director of revenue, the department’s public information officer, or a person lawfully delegated authority by the department to act for the department in implementing Iowa Code chapter 22.

“Department” means the Iowa department of revenue.

“Federal tax information” or *“FTI”* means return or return information received directly from the IRS or obtained through an authorized secondary source acting on behalf of the IRS pursuant to an IRC §6103(p)(2)(B) agreement. Copies of tax returns or return information provided to the department directly by a taxpayer or the taxpayer’s representative, including but not limited to tax returns or return information provided to the department through electronic filing as defined in 701—subrule 8.5(1), or obtained from public information files (e.g., federal tax liens on file with the county clerk, Offers in Compromise available for public inspection, and court records) are not considered FTI.

“GovConnectIowa” means the e-services portal of the department.

“IRC” means the Internal Revenue Code.

“IRS” means the Internal Revenue Service.

“Open record” means a record other than a confidential record.

“Personally identifiable information” means information about or pertaining to an individual in a record that identifies the individual and that is contained in a record system. The term “personally identifiable information” includes “personal information” as defined in Iowa Code section 715C.1.

“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 possession of the department. Records include confidential records.

“Record system” means any group of records under the control of the department from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. A record system is a “system,” as defined below.

“Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose that is compatible with the purpose for which the record was collected. “Routine use” includes disclosures required by statute other than the public records laws codified at Iowa Code chapter 22.

“System” means any of the following:

1. Computer hardware or software;
2. Computerized processes and procedures;
3. Noncomputerized processes and procedures.

“Tax administration” means the administration, management, conduct, direction, and supervision of the execution and application of the state tax laws; means the development and formulation of state tax policy; and includes assessment, collection, enforcement, litigation, publication, and statistical gathering functions.

This rule is intended to implement Iowa Code chapters 17A, 22, 99G, 123, and 421 through 454.

[ARC 8944C, IAB 2/19/25, effective 3/26/25]

701—5.2(17A,22,99G,123,421-454) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.3(17A,22,99G,123,421-454) Requests for public records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.4(17A,22,99G,123,421-454) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.5(17A,22,99G,123,421-454) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.6(17A,22,99G,123,421-454) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.7(17A,22,99G,123,421-454) Tax information disclosure designation. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.8(17A,22,99G,123,421-454) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.9(17A,22,99G,123,421-454) Release to subject or owner of record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.10(17A,22,99G,123,421-454) Personally identifiable information collected and stored by the department. The department collects and maintains both open records and confidential records that contain personally identifiable information. This rule describes the nature, extent, retrieval, storage, and processing of personally identifiable information within the department’s record systems.

5.10(1) Nature and extent. All record systems maintained by the department may contain personally identifiable information concerning matters such as income, property holdings, exchanges, financial transactions, licensing, contested case matters, waivers of rule and declaratory rulings, procurement and leases, bailment shipments, lottery prize claims, lottery sales commission payments, audit and examination, litigation, personnel, and demographic information such as address and number of dependents.

5.10(2) Retrieval. Personal identifiers are used to retrieve information from any of the record systems that the department maintains that contain personally identifiable information.

5.10(3) Means of storage. Paper, microform, and various electronic means of storage are used to store records containing personally identifiable information.

5.10(4) Comparison. Electronic or manual data processing may be used to match, to collate, or to compare personally identifiable information in one system with personally identifiable information in another system of records or with personally identifiable information within the same system.

5.10(5) Comparison with data from outside the department. Personally identifiable information in systems of records maintained by the department may be compared with information from outside the department when specified by law. Permitted comparisons include but are not limited to comparisons for the purpose of setoffs.

5.10(6) Records containing personally identifiable information.

a. Personally identifiable information is collected from documents, returns, and any other record filed with the department, as well as from outside sources, including state and federal agencies. Authority to collect this information is found throughout Iowa Code chapters 8A, 17A, 99G, and 123, as well as Title X of the Iowa Code. The chart below describes department records that contain personally identifiable information and identifies which records are open records, confidential records, partially open or partially confidential. A single record may contain information from several categories in the chart. This information is compiled for the purposes of Iowa Code section 22.11.

Code.....Meaning

O.....The records are open for public inspection.

C.....The records are confidential and are not open to public inspection.

O/C.....The record is partly open and partly confidential.

Description of Record	Type of Record	Legal Authority for Confidentiality
State tax returns, return information, permit records, tax liability and penalty records, tax policy, tax research records, and all related records	O/C	Iowa Code Title X, including Iowa Code sections 422.20 and 422.72
Nontax collection records	O/C	Iowa Code Title X, including Iowa Code sections 422.20 and 422.72, and contractual authority
Federal tax returns and return information	C	26 U.S.C. Section 6103
Department personnel records, communication records, budget records, and payroll records	O/C	Iowa Code sections 22.7 and 99G.34(2)
Minutes of closed meetings of a government body	C	Iowa Code section 21.5(4)
Records that constitute attorney work product or attorney-client communications or are otherwise privileged	C	Iowa Code section 22.7(4), Iowa Rule of Civil Procedure 1.503, Federal Rule of Civil Procedure 26(b)(3), and case law
Sealed bids	O/C	Iowa Code section 72.3
Final orders, decisions, and opinions	O/C	Iowa Code section 17A.3(1)“d”
License and permit records	O/C	Iowa Code section 99G.24, chapter 123, and Title X
Investigation, audit, and examination records	O/C	Iowa Code sections 99G.34(4), 99G.35, 123.38A, 422.20, and 422.72
Lottery player and winner lists	O/C	Iowa Code sections 99G.34(2), 99G.34(5), and 99G.41(3)
Lottery retailer compensation payments	O/C	Iowa Code sections 99G.24(2), 99G.34(2), and 99G.41(5)

b. The procedure for public records request may be found in rule 701—5.3(17A,22,99G,123,421-454).

c. The procedure for allowing a person to have additions, dissents, or objections entered in the record will be determined on a case-by-case basis.

d. The subject of the confidential record may either request the record independently and give it to the named third party or authorize the third party to request the subject’s confidential information under Iowa Code section 421.59, 422.20(7), or 422.72(9).

e. The department will utilize information, including confidential information, in executing its duties under the Iowa Code. Subjects of the information will not be notified when the information is used. Persons outside of the department receiving confidential information are held to the same confidentiality standard as departmental employees. Whether information is required or optional will be indicated along with the request for information. Failing to provide required information may result in penalties or interest being charged.

f. The department utilizes more than one data processing system, and information is matched between systems.

This rule is intended to implement Iowa Code chapters 17A, 22, 99G, 123, and 421 through 454.

[ARC 8944C, IAB 2/19/25, effective 3/26/25]

701—5.11(17A,22,99G,123,421-454) Retention of submitted documents. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

701—5.12(17A,22,99G,123,421-454) Limited applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

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SECRETARY OF STATE[721]

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[Prior to 7/13/88, see Secretary of State[750], Ch 8]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

721—5.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)”, insert “secretary of state”.

721—5.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

721—5.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 5.1(17A,22). All records described in this rule are public records. For each record system, this rule describes the legal authority for the collection of that information, and the means of storage of that information. The agency maintains no record systems in which a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

5.14(1) Liens. The agency maintains lien records, pursuant to 2000 Iowa Acts, chapter 1149, sections 72 and 90; the Uniform Commercial Code; pursuant to Iowa Code section 570.1 as amended by 2000 Iowa Acts, chapter 1149, section 176, landlord’s liens; pursuant to Iowa Code section 570A.4, agricultural supply dealer’s liens; pursuant to Iowa Code section 571.3, thresher’s or cornsheller’s liens; pursuant to Iowa Code section 579A.2(2) as amended by 2001 Iowa Acts, House File 549, section 3, custom cattle feedlot liens; pursuant to Iowa Code section 579B.4(1) as amended by 2001 Iowa Acts, House File 549, section 3, commodity production contract liens; and pursuant to Iowa R.C.P. 260, levies on personality. Personally identifiable information includes the name and address of the debtor and the secured party, and the time and date of filing of the lien or levy. The information is stored in a computer database, and is indexed by the name of the debtor.

5.14(2) Candidates for public office. The agency maintains records of candidates for public office, pursuant to Iowa Code sections 43.11, 43.18, 44.3, 44.4, and 45.3. Personally identifiable information includes the name, address, and political party affiliation of the candidate, and the name of the public office

sought by the candidate. The information is stored in a computer database, and is indexed by the name of the candidate.

5.14(3) *Donor and donee records.* The agency maintains records of gifts made to certain public officials, pursuant to Executive Order number 31, and Iowa Code section 68B.11(2). Personally identifiable information includes the name of the donor or donee, the nature, amount, and date of gifts made to a donee in excess of \$15 in cumulative value in any calendar day, the title, agency or organization of the donor or donee, and the mailing address of a donor. The information is stored in a manual filing system, and indexed by the name of the donor or the donee.

5.14(4) *County auditors.* The agency maintains records of county auditors in the state of Iowa, pursuant to Iowa Code section 47.1. Personally identifiable information includes the name and address of the county auditor. The information is stored in a computer database, and is indexed by the name of the county auditor.

5.14(5) *Substitute service of process.* The agency maintains records of plaintiffs to litigation in which service of process is achieved pursuant to Iowa Code section 617.3, the “long-arm statute.” Personally identifiable information includes the name of the plaintiff and other information included in the document by the plaintiff. The information is stored in a manual filing system, and is indexed by the name of the plaintiff.

5.14(6) *Commissions.* The agency maintains records of commissions issued by the governor, pursuant to Iowa Code section 9.3. Personally identifiable information includes the name and address of the recipient of the commission. The information is stored in a manual filing system, and is indexed by the name of the recipient of the commission.

5.14(7) *Patents and deeds.* The agency maintains records of land patents and deeds to property, pursuant to Iowa Code chapter 10. Personally identifiable information includes the name of the recipient of the land patent or the conveyor of the deed, the county in which the land is located, and a legal description of the land. The information is stored in a manual filing system, and is indexed by the name of the recipient of the land patent or the conveyor of the deed.

5.14(8) *Notary public records.* The agency maintains records of notaries public commissioned pursuant to Iowa Code chapter 77. The records include the name, address, and county of residence of the notary public, the beginning and ending date of the commission, status as a new or renewal notary public, a certificate number, and an audit number. The information is stored in a computer database and on microfilm, and is indexed by the name of the notary public.

5.14(9) *Transient merchants.* The agency maintains records containing information about transient merchants, pursuant to Iowa Code chapter 9C. The records include the name and address of the merchant, and other information required by Iowa Code section 9C.3. The information is stored in manual files and indexed by the name of the transient merchant.

721—5.15(17A,22) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 2.7(11).

721—5.16(17A,22) *Other groups of records.* This rule describes records maintained by the agency other than record systems as defined in rule 5.14(17A,22). These records are routinely available to the public except records maintained pursuant to Iowa Code chapter 172C. However, the agency’s files of these records may contain confidential information as discussed in rule 5.13(17A,22). The records may contain information about individuals.

Records are maintained regarding:

1. Corporations organized in Iowa or authorized to do business in Iowa pursuant to Iowa Code chapters 491, 496A, 496B, 496C, 504, and 504A.

2. Cooperative associations organized in Iowa or authorized to do business in Iowa pursuant to Iowa Code chapters 497, 498, 499, and 499A.

3. Limited partnerships organized in Iowa or authorized to do business in Iowa pursuant to Iowa Code chapter 487.

4. Farm operations subject to Iowa Code chapters 9H and 567.

5. Athlete agents registered pursuant to Iowa Code chapter 9A.

6. Out-of-state contractors pursuant to Iowa Code section 103A.24.

7. Postsecondary educational institutions pursuant to Iowa Code chapter 261B.

8. Organizations soliciting public donations pursuant to Iowa Code chapter 13C.

9. Agreements relating to the joint exercise of governmental powers filed pursuant to Iowa Code chapter 28E.

10. Files relating to administration of the election laws found in Iowa Code chapters 39 through 41, 43 through 55, 57 through 63, 66, 69, 75, 145A, 161A, 174, 260C, 273, 274, 275, 277, 278, 279, 296, 297, 298, 300, 303, 303B, 306C, 330, 331, 336, 347, 347B, 349, 357, 357B, 357C, 357D, 358, 359 through 362, 368, 372, 376, 384, 392, 394, 400, 420, 422A, 422B, 442, 456, 462, 602, 659, 720, 721, and 722.

11. Administrative records including documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions, and other documents associated with the management of the agency.

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CHAPTER 7

AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 8

PETITIONS FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9

DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 10

WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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SHEEP AND WOOL PROMOTION BOARD, IOWA[741]

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- 1.1(182) Iowa sheep and wool promotion board
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PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

- 5.1(17A,22) Definitions
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CHAPTER 2 RULES OF PRACTICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

741—2.1(182) Definitions. All words and terms defined in Iowa Code section 182.1 employed in these rules are given the definitions found in that section.

This rule is intended to implement Iowa Code section 182.1.

741—2.2(182) Public information. The public is invited to obtain information or make informal requests of the board by addressing these matters to the Iowa Sheep and Wool Promotion Board, Wallace State Office Building, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code section 17A.3.

741—2.3(182) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the board, or by members of the public, in an informal manner.

2.3(1) In cases of a routine nature, the chairperson or assistants employed by the board shall attempt to settle the matter. In cases indicating a need for interpretation of board policy or legal interpretation, assistants employed by the board may defer action until after consultation with the chairperson or with legal counsel, or the chairperson may defer action until after consultation with legal counsel, or either may defer action until after discussion of the subject at a board meeting.

2.3(2) In cases not of a routine nature, or in cases in which the efforts of the assistants employed by the board or chairperson are unsuccessful, the board itself shall act to resolve the matter. In cases indicating a need for legal advice, the board may defer action until after consultation with legal counsel.

This rule is intended to implement Iowa Code section 17A.10.

741—2.4(182) Declaratory rulings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

741—2.5(182) Petition for adoption of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

[Filed emergency 10/3/86—published 10/22/86, effective 10/3/86]

[Filed 2/20/87, Notice 10/22/86—published 3/11/87, effective 4/15/87]

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CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

741—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa sheep and wool promotion board.

741—5.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

741—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

741—5.9(17A,22) Public records; confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

741—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: excise tax remittances identifying individual producers and the amounts remitted, refund requests from producers, and personal information in confidential personnel records. This information is collected pursuant to the authority of Iowa Code chapter 182 and is stored in the office files of the board office. Personally identifiable information contained in these records except for refund requests shall be confidential. However, appropriate totals, summaries, aggregations, and other staff analyses of information contained in these files, when presented in a form not containing personally identifiable information, shall be public information.

741—5.11(17A,22) Data processing. No data processing system collates or permits 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 section 22.11.

[Filed emergency 9/16/88—published 10/5/88, effective 9/16/88]

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Supplement 7/8/26, effective 7/1/26]

COMMUNICATIONS NETWORK, IOWA[751]

[Prior to 7/23/25, see Telecommunications and Technology Commission, Iowa[751]]

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CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

751—2.1(17A,22) Purpose and scope. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.2(17A,22) Definitions. As used in this chapter:

“Commission” means the Iowa telecommunications and technology commission.

“Confidential record” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the commission is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7 or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“Custodian” means the commission or a person lawfully delegated authority by its executive director to act for the commission in implementing Iowa Code chapter 22.

“Open record” means a record other than a confidential record.

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

“Record” in these rules means the whole or a part of a “public record” as defined in Iowa Code section 22.1.

“Record system” means any group of records under the control of the commission from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol or other unique retriever assigned to an individual.

“Subject” means that person identified in a record.

751—2.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.4(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.6(17A,22) Procedure by which additions, dissents or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.7(17A,22) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.8(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—2.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the commission by personal identifier in record systems as defined in rule 751—2.2(17A,22). For each record system, this rule describes the legal authority for the collection of that information and the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the commission are:

- 2.14(1)** Payroll and personnel information system.*
- 2.14(2)** Vendor files.
- 2.14(3)** Certificates of insurance for contractors performing work for the commission.
- 2.14(4)** Referrals to the attorney general.
- 2.14(5)** Contract and lease files.
- 2.14(6)** Accounts receivable and accounts payable system.*
- 2.14(7)** Various grant planning files, confidential trade secrets, litigation files.

All of the above-listed records are collected pursuant to the authority of Iowa Code Supplement chapter 8D. All are stored in paper form with those items noted by an asterisk (*) also stored in electronic form. Supplementary records in these categories are stored in paper form or on microfilm or microfiche. None of the information stored can be matched, collated or compared.

751—2.15(17A,22) Other groups of records. This rule describes groups of records maintained by the commission other than record systems as defined in rule 751—2.2(17A,22). These records are routinely available to the public. However, the commission's files of these records may contain confidential information designated as confidential by the originator of the records in conformance with Iowa Code chapter 22. In addition, some records may contain information about individuals. All storage is in paper form with those items noted by an asterisk (*) also stored in electronic form. None of the information can be matched, collated or compared.

2.15(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

2.15(2) Commission records. Agendas, minutes and materials presented to the commission are available from the office of the executive director, except these records concerning closed sessions which are confidential under Iowa Code section 21.5 or which are otherwise confidential by law.

2.15(3) Meeting participants. Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored in an automated data processing system.

2.15(4) Publications. News releases, annual reports, project reports, and commission newsletters, for example, are available from the commission offices for public information. Commission news releases, project reports, and newsletters may contain information about individuals, including commission staff or members of the commission, the councils or committees.

2.15(5) Statistical reports. Periodic reports for various commission programs are available from the commission offices for public information.

2.15(6) *Published materials.* The commission uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2.15(7) *Policy manuals.* The commission's policy manual, containing the policies and procedures for programs administered by the commission, is available in the office of the commission. Policy manuals do not contain information about individuals.

2.15(8) *Asset files.* Asset management database and inventory database contain a listing of the assets owned by the network.*

2.15(9) *Mailing lists/contact lists.* Names, mailing addresses, and telephone numbers of state employees, commission members, officials in government of other states, and members of the general public*, for example, may be used for distribution of informational material, such as newsletters, policy directives or educational bulletins. They are also used to provide contacts for coordination of services or as reference information sources.

2.15(10) *Authorized user lists.* The network maintains a list of persons authorized to use the network.

2.15(11) *Bid/purchasing process.* For example, specifications, proposals, bid documents, awards, contracts, agreements, leases, performance bonds, requisitions, purchase orders, supply orders, and correspondence.

2.15(12) *Project files.* For example, plans, specifications, contracts, studies, drawings, photos, blueprints, requests for services, lease/rental files, and 28E agreements.

2.15(13) *Data processing files.* For example, operations logs, data base user requests, job number maintenance/update, data entry format book, integrated data dictionary, computer output forms designations, system software, hardware/software documentation and configurations, problem determinations and resolutions records, and incident reports.

2.15(14) *Administrative records.*

- a. Reports: For example, weekly, monthly, annual, biennial, statistical, analysis, and activity.
- b. Correspondence: For example, public, interdepartmental, and internal.
- c. Policies and procedures.
- d. Organizational charts, and table of authorized positions.
- e. Memberships: Professional/technical organizations.
- f. Planning: Disaster recovery plans, emergency operation plans.
- g. Budget and financial records.
- h. Accounting records such as accounts receivable, accounts payable, receipts, invoices, claims, vouchers, and departmental billings.
- i. Legislative files such as pending bills, enrolled bills, legislative proposals, and copies of amendments.

2.15(15) *Other records.* All other records that are not exempted from disclosure by law are open.

These rules are intended to implement Iowa Code section 22.11, Iowa Code Supplement section 8D.3(3) "b," and 1996 Iowa Acts, House File 2407.

[Filed 9/17/96, Notice 7/31/96—published 10/9/96, effective 11/13/96]

[Filed 12/1/04, Notice 10/13/04—published 12/22/04, effective 1/26/05]

[Filed 9/21/07, Notice 6/20/07—published 10/10/07, effective 11/14/07]

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CHAPTER 3
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5 PURCHASING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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

5.1(1) The commission shall use competitive bidding to purchase goods and services from private agencies when the estimated annual value of the contract is equal to or greater than \$5,000 or when the estimated value of the multiyear service contract in the aggregate, including any renewals, is equal to or greater than \$15,000, unless there is adequate justification for a sole-source procurement pursuant to subrule 5.1(2) or another provision of law.

a. When the estimated annual value of the contract is equal to or greater than \$5,000, but less than \$50,000, or the estimated value of the multiyear contract in the aggregate, including any renewals, does not exceed \$150,000, the commission, in its sole discretion, shall use either a formal or informal competitive selection process to procure the goods or services.

b. When the estimated annual value of the contract is equal to or greater than \$50,000 or the estimated value of the multiyear contract in the aggregate, including any renewals, exceeds \$150,000, the commission shall use a formal competitive bidding process to procure the goods or services.

c. For any single item, the commission may spend up to the maximum amount permitted by Iowa Code Supplement section 8D.11 to acquire the item. This maximum amount is not applicable to purchases under the contracting authority permitted by Iowa Code section 8D.13 or any other authority of the commission.

5.1(2) The commission shall avoid sole-source procurements unless clearly necessary and justifiable. The commission may purchase goods or services using a sole-source procurement under the following circumstances:

a. The executive director or commission's designee determines that one vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the goods or perform the services; or

b. The goods or services being purchased involve work that is 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 most satisfactorily provide the service; or

c. The commission is hiring the services of experts, advisors, counsel, or consultants to assist in any type of legal proceeding including but not limited to testifying or assisting in the preparation of quasi-judicial or judicial proceedings; or

d. The federal government or other provider of funds for the service being purchased, other than the state of Iowa, has imposed clear and specific restrictions on the commission's use of the funds in a way that restricts the commission to only one service provider; or

e. Applicable law requires, provides for, or permits the use of a sole-source procurement; or

f. There is an immediate or emergency need for the item or service; or

g. The item is maintenance services for the network for which the vendor supplies remote maintenance service for network components or software or the vendor supplies software upgrades, patches, modifications or the like electronically or for which the service will preserve equipment or software warranties.

5.1(3) When the annual value of the contract exceeds \$5,000 or when the estimated value of the multiyear contract in the aggregate, including renewals, is equal to or greater than \$15,000, the commission shall complete a sole-source justification form. The sole-source justification form shall be reviewed, approved and signed by both the executive director and the chief financial officer before the commission proceeds with the sole-source procurement.

[ARC 3958C, IAB 8/15/18, effective 9/19/18]

751—5.2(8D) Methods of obtaining bids or proposals used by the commission. The commission shall obtain bids or proposals by one of the following methods. If more than one method is applicable to the purchase of a particular item, the commission shall choose the method of bidding to be utilized. For any method used, the commission may provide notice of the solicitation electronically and vendors may submit proposals electronically unless the bidding documents provide otherwise.

5.2(1) *Formal invitations to bid.*

a. A formal invitation to bid may be required for any item if cost is the major criterion for selection. Other criteria may also be used, provided that the commission describes the criteria in the bid documents. The commission shall prepare a written invitation-to-bid form and shall transmit the form either by mail, electronically, or digitally to selected vendors in the business of providing the goods or services sought by the commission.

b. The invitation to bid shall contain the due date and time of the bid opening, a complete description of the item needed, and any other necessary or proper items. The price quoted by the vendors shall remain binding throughout the applicable time period.

5.2(2) *Informal selection process.*

a. The commission may use an informal selection process when permitted by rule 5.1(8D). An informal selection process is a streamlined competitive bidding process in which the commission makes an effort to contact at least three prospective vendors to solicit bids or proposals to provide the goods or services sought by the commission. Informal bids or proposals may be obtained by the commission through use of a written bid form faxed or mailed to selected vendors, email, posting a notice on the commission's website and inviting bids or proposals electronically or over the telephone.

b. Written informal bids and proposals shall be opened as received, and informal telephone bids shall be recorded as received. If a bid is received over the telephone, a telephone bid form shall be used to record the bid received. If a bid is received by email, the email shall be printed or stored in a secure electronic format so that the bid can be retrieved and read in machine-readable form. The information contained in the email shall be recorded on a form similar to the telephone bid form. If an informal bid is received by fax, the information on the fax shall be recorded on a form similar to the form used for telephone bids.

5.2(3) *Formal requests for proposals.*

a. Whenever a requirement exists for an item and cost may not be the sole criterion for selection and rule 5.1(8D) requires the commission to conduct a formal competitive selection process, the commission shall issue a formal request for proposal. The purpose of a request for proposal is to provide the vendor with sufficient information about the commission's requirements and goals to allow the vendor to propose a solution to the commission's requirements.

b. The terms quoted by the vendor shall remain binding throughout the applicable time frame.

c. The commission may request best and final offers as part of the request-for-proposal process.

5.2(4) *Auctions and reverse auctions.*

a. The commission may purchase items at auction when the auction is conducted electronically, digitally or otherwise. For any single item, the commission may spend up to the maximum amount permitted by Iowa Code section 8D.11 as amended by 2007 Iowa Acts, House File 851, section 2, to acquire the item. However, the commission shall not make a bid for any item for which the bid price at the auction exceeds the reasonable market price of an item. The commission shall perform a market analysis prior to the auction to determine the market price for items available by auction. The commission shall retain the market analysis with any other documentation for the purchase of the item at the auction.

b. The commission may purchase items using a reverse auction. A reverse auction is a price negotiation technique using secure Internet-based technology. This technique involves posting a requirement on an Internet site accessible by the public that allows vendors to post bids publicly. The buyer offers to purchase a product or service for a maximum amount (reserve price), and then the sellers or suppliers bid down the purchase price the buyer will actually pay for fulfillment. Vendors are able to see the current bids (but not the identity of the bidders) and post new or revised bids that are lower, thus increasing competition. When the commission conducts a reverse auction, the following requirements shall be met:

(1) The invitation to bid or the request for proposals shall provide notification of the intent to use the reverse auction process and provide instructions for participating in that process. The bidding documents shall also provide notification that a bidder's consent to disclosure of the bidder's bid price as part of the auction process is required in order to participate.

(2) The commission shall determine the specifications and requirements of the items to be acquired.

(3) The commission shall identify and provide notice to potential vendors concerning the proposed acquisition.

(4) The commission shall establish prequalification requirements to be met by a vendor in order to be eligible to participate in the reverse auction. The prequalification requirements shall be included in the bidding documents.

(5) Prior to conducting a reverse auction, the commission shall establish a threshold amount, which shall be the maximum amount that the commission is willing to pay for the items to be acquired.

(6) Evaluation factors other than price shall be clearly listed and explained. The commission may direct bidders to supply technical proposals or other information in order to evaluate other factors and to use the reverse auction only as a price negotiation tool.

(7) The commission shall set the time of the auction.

(8) The commission shall establish minimum bid decrements.

(9) The commission shall establish the currency for the offering of bids.

(10) The commission shall establish the language for the bids.

(11) The commission may purchase additional quantities of the item if there are additional funds left at the end of the auction. The commission shall purchase additional quantities from the successful vendor.

751—5.3(8D) Items purchased through the department of administrative services. Goods and services may be obtained by the commission through the department of administrative services whenever procurement through administrative services is appropriate and in the best interests of the commission. Items procured through administrative services may be obtained by administrative services in any manner deemed appropriate by administrative services.

751—5.4(8D) Notice of bids or requests.

5.4(1) The commission shall post solicitations of formal bids or requests on the commission's Internet web page.

5.4(2) The commission expressly adopts 11 IAC 105.7(1) and shall enforce the notice requirements and consequences for insufficient notice contained therein.

5.4(3) All contracts of the commission shall comply with the legal notice requirements relating to targeted small businesses.

751—5.5(8D) Contract purchases. The commission may enter into contract purchase agreements for items, groups of items, or services. Contract purchase agreements are subject to the competitive bidding requirements previously outlined where applicable. The commission may also purchase items from other contracts obtained by other governmental entities if the law or the contract allows.

751—5.6(8D) Blanket purchase agreements. If the commission foresees a requirement for frequent purchases of off-the-shelf items, the commission may establish blanket purchase agreements. A blanket purchase agreement is a formally approved charge account that is designed to reduce paperwork and the number of checks issued. Blanket purchase agreements are subject to the competitive bidding requirements previously outlined where applicable.

751—5.7(8D) Prospective vendor selection.

5.7(1) Any firm or business legally transacting business within Iowa at the time the contract for goods or services is executed, may request placement on the approved vendor list for a particular service or commodity by filing a vendor application form with the commission. The commission may mail copies of solicitation documents to vendors on the list for a particular item or to any other vendor which

the commission chooses to contact. A vendor may be refused placement on the list or suspended or permanently removed from the list for any of the following reasons:

- a. Failure to respond to three consecutive solicitations;
- b. Failure to deliver within specified delivery dates;
- c. Failure to deliver in accordance with specifications;
- d. Attempts to influence the decision of any state employee involved in the procurement process;
- e. Evidence of agreements by the vendor to restrain trade or impede competitive bidding;
- f. Any other activities of the vendor which the commission determines would render the vendor unsuitable; and
- g. Failure to pay subcontractors.

5.7(2) The executive director shall notify a vendor in writing prior to refusing placement on the list, suspending the vendor from the list, or permanently removing the vendor from the list. The vendor shall be provided a reasonable opportunity to explain and cure any misconduct identified by the executive director. If the executive director ultimately refuses placement on the list or removes the vendor from the list, the vendor may appeal the executive director's action to the commission pursuant to the criteria for vendor appeals contained in these rules.

5.7(3) The commission shall select vendors to receive solicitation documents based on the commission's knowledge of the vendors in the particular market. The initial vendor selection shall be designed to promote the competitive bidding process, the set-aside procurement programs, and the best interests of the commission. The commission shall also provide solicitation documents to qualified vendors upon request when the request is made during the solicitation period. The vendor is solely responsible for ensuring that solicitation documents are received by the vendor.

751—5.8(8D) Bids and proposals to conform with specifications. All bids and proposals must conform to the specifications indicated by the commission. Bids and proposals which do not conform to the specifications stated may be rejected. The commission reserves the right to waive deficiencies in the bids or proposals if in the judgment of the commission the best interests of the commission would be served by the waiver.

751—5.9(8D) Time of delivery. When evaluating bids or proposals the commission may consider the time of delivery when determining the successful vendor.

751—5.10(8D) Cash discounts. When evaluating bids or proposals the commission may consider cash discounts.

751—5.11(8D) Tie bids. The commission shall resolve ties among bids or proposals which are equal in all respects by drawing lots unless only one of the tied bidders is an Iowa business. If only one of the bidders tied for an award is an Iowa business, the Iowa business shall be given preference over all tied out-of-state businesses. An Iowa business is a resident of the state of Iowa. If it is necessary to draw lots, the drawing shall be held in the presence of the vendors who submitted the tied bids or proposals whenever practical. If the tied vendors are not present, the drawing shall be held in front of at least two persons, and the commission shall document the drawing.

751—5.12(8D) Time of submission. Vendors shall submit all formal bids and proposals in sufficient time to actually reach the commission prior to the date and time set for the opening of the bids or proposals. Vendors shall submit all informal bids in time to reach the commission prior to the time specified by the commission. Bids and proposals received after the date and time set for opening or for submission shall be returned to the vendor unopened. The commission shall notify all vendors to which invitations to bid or requests for proposals were sent of any changes in the time of submission. If a formal invitation to bid or request for proposal is canceled prior to the time set for opening the bids or proposals, the commission shall return unopened any responses already received. If an informal invitation to bid is canceled prior to the time set for receiving bids, the commission shall destroy any bids already received.

751—5.13(8D) Modification or withdrawal of bids or proposals. Vendors may modify or withdraw bids or proposals prior to the time and date set for the bid or proposal opening. Modifications or withdrawals shall be in writing and delivered in a sealed envelope which properly identifies the correct bid or proposal to be modified or withdrawn. Vendors may withdraw a bid or proposal after opening only with the approval of the commission if the commission finds that an honest error was made by the vendor which will cause undue financial hardship to the vendor and which will not cause undue financial hardship or inconvenience to the commission.

751—5.14(8D) Financial security. The commission may require bid security, litigation security, and performance security on formal bids or proposals. When required, security may be by certified check, cashier's check, certificate of deposit, or letter of credit made payable to the commission, or any other form specified by the commission.

751—5.15(8D) Rejection of bids and proposals. The commission reserves the right to reject any or all bids or proposals. The commission may reject bids and proposals because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair or flawed bidding procedures, failure of a vendor to meet the commission's requirements, insufficient evidence of a vendor's financial capability to perform the contract, or for any other reason if the commission determines that the best interests of the commission will be served by rejecting any or all bids. Following the rejection of bids or proposals, the commission may request new bids or proposals at any time deemed convenient by the commission.

751—5.16(8D) Background and informational statements. Bidders may be required to describe their organizational structure, to identify key personnel and to submit personnel to criminal history checks and background investigations. Any changes in key personnel during the bidding process or during the contract term must be reported to the commission before the change occurs.

751—5.17(8D) Vendor appeals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—5.18(8D) Procedures for vendor appeal. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—5.19(8D) Review of proposed decision. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

751—5.20(8D) Purchasing cooperative or consortium.

5.20(1) Membership. The commission may join a purchasing cooperative or consortium composed of public or private entities, or both, for the purpose of reducing overall telecommunications business costs for the commission and its authorized users.

5.20(2) Prior to joining a purchasing cooperative or consortium, the commission shall review membership obligations to ensure that the commission's membership obligations are not inconsistent with the laws and rules governing the commission.

5.20(3) Notwithstanding the provisions of subrules 5.20(1) and 5.20(2), the commission may purchase goods and services through the cooperative or consortium without conducting a separate competitive bidding process so long as the cooperative or consortium uses or used a competitive bidding process or procedure.

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

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[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

CHAPTER 16
UNIFORM WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 18
PROCEDURE FOR RULEMAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

TRANSPORTATION DEPARTMENT[761]

Rules transferred from agency number [820] to [761] to conform with the reorganization numbering scheme in general. IAC Supp. 6/3/87.

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GENERAL

CHAPTER 1

ORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION

[Prior to 6/3/87, Transportation Department[820]—(01,A)Ch1]

Rescinded **ARC 8242C**, IAB 10/2/24, effective 11/6/24

CHAPTER 2

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Rescinded **ARC 8242C**, IAB 10/2/24, effective 11/6/24

CHAPTER 3

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CHAPTER 4

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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CHAPTER 10

PROCEDURE FOR RULEMAKING AND PETITIONS FOR RULEMAKING

[Prior to 6/3/87, Transportation Department[820]—(01,B) Ch 1]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11

WAIVER OF RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12

DECLARATORY ORDERS

[Prior to 11/8/06, see rule 761—10.4(17A)]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 13

CONTESTED CASES

[Prior to 6/3/87, Transportation Department[820]—(01,B) Ch 3]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

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CHAPTER 20
PROCUREMENT OF EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES
[Prior to 6/3/87, Transportation Department[820]—(01,B)Ch2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/21/30

761—20.1(307) General.

20.1(1) Scope. This chapter pertains only to the procurement of equipment, materials, supplies and services by the Iowa department of transportation with funds from the department's operating budget or from the materials and equipment revolving fund established in Iowa Code section 307.47 or other program funds authorized for department use.

20.1(2) Applicability. Rules 761—20.4(307) through 761—20.6(307) apply to professional and technical services procured using the general purchasing process where contracts are awarded competitively, and cost is a factor. Rule 761—20.9(307) applies to professional and technical services contracts that are awarded based on qualifications when the cost is negotiated after the vendor is selected.

20.1(3) Contact information. Questions regarding this chapter may be directed to the Resources and Acquisitions Bureau, Purchasing Section, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1170.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.2(307) Definitions. As used in this chapter, unless the context otherwise specifies:

"Bidder" means a respondent to a solicitation as a bidder, offeror or contractor.

"Competition" means the efforts of three or more parties acting independently to secure a contract with the department to provide equipment, materials, supplies or services to the department by offering or being in a position to offer the most favorable terms. "Favorable terms" includes, but is not limited to: price, speed of execution, anticipated quality of the product to be provided judged according to the expertise and experience of the provider, or ability to produce a desired result or to provide a desired commodity.

"Firm" means any bona fide contracting entity, including individuals, public mitigation banks and educational institutions. Except for educational institutions, the term is not to include governmental agencies or political subdivisions.

"Methods of procurement" means formal solicitation, informal solicitation, or negotiation as follows:

1. *"Formal solicitation"* means procurement by competition through public advertising of bid documents stating departmental needs.

2. *"Informal solicitation"* means procurement by obtaining a sufficient number of quotations, bids or proposals from qualified sources.

3. *"Negotiation"* means any method of procurement other than formal solicitation or informal solicitation to seek the best and final offer that is most advantageous to the department.

"Professional and technical services" means services that are unique, technical, or infrequent functions performed by independent contractors whose occupation is the rendering of such services. Contracts may go to partnerships, firms, or corporations as procured through formal and informal solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307). Architectural, landscape architectural, surveying, general engineering consultant, construction inspection, or engineering services and other related professional and technical services are outlined in rule 761—20.9(307).

"Response" means the submittal of written documents by a prospective bidder, offeror or contractor as a response to any type of solicitation issued by the department for a quotation, bid or proposal.

"Solicitation" means the request by the department for a quotation, bid or proposal. This includes but is not limited to the complete assembly of related documents (whether attached or incorporated by reference) furnished to prospective bidders for the purpose of responding to a solicitation.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.3(307) Procurement policy. It is the policy of the department to procure equipment, materials, supplies and services in a way that is most advantageous to the department and competitive to the maximum practicable extent.

20.3(1) Formal solicitation. The formal solicitation method of procurement is to be used whenever feasible and practicable under the existing conditions and circumstances and the estimated, aggregate amount of the purchase equals or exceeds \$50,000.

20.3(2) Informal solicitation. The informal solicitation method of procurement may be used if formal solicitation is not feasible or practicable, or the estimated, aggregate amount of purchase is less than \$50,000. This method is to be used as deemed necessary to ensure that the procurement is fair to the department, considering the administrative costs of the procurement, and is to be consistent with the nature and needs of the particular procurement so that the procurement is competitive to the maximum practicable extent.

20.3(3) Negotiation. The negotiation method of procurement may be used if formal solicitation or informal solicitation is not feasible or practicable, or in any of the following instances:

a. Procurement by negotiation is determined to be necessary and in the public interest during a period of man-made or natural disaster or emergency.

b. The estimated, aggregate amount of the purchase is less than \$15,000.

c. The procurement is for architectural, landscape architectural, engineering, or related professional and technical services.

d. The procurement is for other professional and technical services.

e. When cost is only one of many factors considered to determine the award.

f. The procurement is for services to be rendered by an educational institution.

g. It is impracticable to secure competition through formal solicitation or informal solicitation, such as when:

(1) Equipment, materials, supplies or services can be obtained from only one source, pursuant to rule 761—20.7(307).

(2) Competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw materials, or similar circumstances, pursuant to rule 761—20.7(307).

(3) Solicitations have been made available to prospective bidders and no responses to the solicitation have been received.

(4) Solicitations have been made available and the submitted responses do not cover the quantity needed. In this case, negotiation is permitted for the remaining quantity needed.

(5) The procurement is for electrical power or energy, natural or manufactured gas, water or other utility services, or the procurement is for construction of a part of a utility system or railroad and it would not be practicable to allow a contractor other than the utility or railroad company to perform the work.

(6) The procurement is for professional and technical services in connection with the assembly, installation or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature.

(7) The procurement involves maintenance, repair, alteration or inspection, and the exact nature or amount of work to be done is not known.

(8) The procurement is for commercial transportation.

(9) It is impossible to draft adequate specifications or any other adequately detailed description of the item or services to be procured.

(10) The procurement is for a part or component being procured as a replacement in support of equipment specially designed by the manufacturer, and the data available is not adequate to ensure that the part or component supplied by another manufacturer will perform the same function as the part or component it is to replace.

(11) The procurement involves construction where a contractor or group of contractors is already at work on the site, and either it would not be practicable to allow another contractor or an additional contractor to work on the same site or the amount of work involved is too small to interest other contractors to mobilize and demobilize.

h. The procurement is for experimental, developmental or research work or for the manufacture or furnishing of property for experimentation, development, research or testing.

i. It is determined that the responses received are not reasonable or have not been independently arrived at.

j. Procurement by negotiation is otherwise authorized by law including but not limited to Iowa Code section 73.19.

k. The manufacturer is willing to sell directly to the state at distributor cost.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.4(307) Formal solicitation procedures.

20.4(1) *Bidders list.* The department's purchasing section will maintain current bidders lists by commodity classification.

a. These lists are generated from the department's electronic sourcing platform and will be actively managed to stay current with the relevant industry players and accurate commodity classifications to secure competition to the maximum practicable extent. Solicitations will be posted on the Iowa economic development authority's targeted small business website no later than 48 hours prior to the issuance of the solicitation.

b. Any firm legally doing business in Iowa may be placed on an appropriate bidders list or lists by registering as a vendor on the department's electronic sourcing platform.

c. Subject to concurrence of legal counsel, a bidder's name may be removed from a bidders list or lists for any of the following reasons:

- (1) When the bidder has failed to meet prequalification as set forth in the bid solicitation.
- (2) When the bidder has failed to meet the performance standards of a previous procurement.
- (3) When the bidder has attempted to improperly influence the decision of any state employee involved in the procurement process.
- (4) When there are reasonable grounds to believe that there is a collusive effort by bidders to restrain competition by any means.

(5) Where there is a determination by the civil rights commission that the bidder conducts discriminatory employment practices.

d. A bidder may protest removal from a bidders list or lists by submitting the appeal in writing pursuant to instructions in paragraph 20.4(6) "d."

20.4(2) *Solicitation documents.* The department will prepare the solicitation documents complete with requirements, specifications and instructions, as applicable, to be publicly posted for the purpose of procuring goods or services.

a. In special situations (e.g., the procurement of new model equipment), the solicitation may be marked "preliminary" and sent to prospective bidders requesting their review of the solicitation to determine their ability to respond and meet the requirements of the procurement request. The "preliminary" solicitation process involves the following steps:

(1) A conference may be held to discuss the "preliminary" solicitation requirements with prospective bidders when the item in question is a new acquisition for the department.

(2) Written requests for variations, deviations or approved equal substitutions to the solicitation are to be accepted, evaluated and answered by the department.

(3) The solicitation requirements may be revised to incorporate approved changes.

(4) A final solicitation is to be sent to prospective bidders that participated in the preliminary process.

b. The solicitation is to be sent to a sufficient number of prospective bidders so as to promote adequate competition commensurate with the dollar value and nature of the procurement. The solicitation is to be furnished to others upon request.

c. The department will publicize the procurement by advertising in appropriate media, providing the date and time set for public opening of submitted responses, a general description of the item to be procured, and the name and address of the person to contact to obtain a copy of the solicitation.

20.4(3) Response instructions. Each bidder is to prepare the response to the solicitation in the manner prescribed and furnish all information and samples requested in the solicitation. All bidders are to adhere to the following when preparing and submitting responses:

a. Response preparation. Responses are to be submitted electronically in a secure authorized system as instructed in the solicitation. Telephonic, written, email or facsimile responses are not to be considered.

b. Information to be provided by bidder. In the space provided, the bidder is to denote brand name, manufacturer's name, model number and any other necessary information to assist in identifying each item the bidder proposes to supply.

c. New merchandise. Unless otherwise specified, all items offered are to be new, of the latest model or manufacture, and at least equal in quality to that specified.

d. Response price. Where requested, the unit and total price for each separate item, and the total price for all items, is to be provided in the bidder's response. Alternate prices for approved substitutions may be submitted by attaching a response marked as an alternate to the original response. In case of error, the unit price prevails. If unit price is not requested in the solicitation, the total price per item prevails.

e. Discounts. Bidders are to quote net discount price. No other discounts are to be considered in making the award.

f. Time of acceptance. The bidder is to hold the offered prices open for action by the department at least 30 days past the time set for public opening of submitted responses.

g. Escalator clauses. Unless specifically provided for in the solicitation, a response containing an escalator clause is not to be considered.

h. Federal and state taxes. Except for specific items that will be noted in the solicitation, the department is exempt from payment of federal and state taxes. These taxes are not to be included in the bidder's response. Exemption certificates are to be furnished to bidders upon request.

i. Delivery dates. In the space provided, the bidder is to show the earliest date on which delivery can be made. When the solicitation shows the acceptable delivery date for an item, the proposed delivery date may be used as a factor in determining the successful bidder.

j. Ties and reservations. No ties or reservations by the bidder are permitted. Any tie or reservation stipulated by the bidder shall be sufficient grounds to reject the submitted response.

k. Changes and additions. No changes in or additions to the solicitation are to be permitted unless a written request for a change or an addition is submitted to the department's purchasing section in sufficient time to allow an appropriate analysis and response to all bidders, and the change or addition is approved by the purchasing section. The purchasing section will notify all bidders of approved changes or additions by means of addenda. Any unauthorized change in or addition to the solicitation is to be sufficient grounds to reject the submitted response.

l. Response submission. All responses are to be submitted electronically prior to the time set for public opening of submitted responses. Responses received are to be dated and time-stamped electronically by the purchasing section showing the date and hour received. By submitting a response, the bidder:

(1) Agrees that the contents of the response will become part of the contract if the bidder receives the award.

(2) Certifies that the bidder has become familiar with the contents and requirements of the solicitation.

m. Bid bond. A bid bond may be necessary as security that the bidder will execute the contract if awarded. If necessary, each response is to be supported by a bid bond in the form and amount prescribed in the solicitation. Responses not so supported are not to be read.

n. Withdrawal of responses prior to opening. Responses may be withdrawn prior to the time set forth in the solicitation. Prior to opening, a bidder who withdraws the response to a solicitation may submit a new response if desired.

o. Modification or withdrawal of responses after opening. After opening, no response is to be modified. A response may be withdrawn after opening only if:

(1) The bidder submits, at least three days prior to award, a sworn statement asserting that the response contains a substantial inadvertent error and that the bidder would suffer a serious financial loss if the bidder were to perform under the response, and

(2) The purchasing director approves the withdrawal. The purchasing director may base the decision to approve or deny the withdrawal on any factors the purchasing director deems relevant, including but not limited to the best interests of the agency, possible prejudice to other bidders or the bidding process, and the extent of financial hardship on the bidder if withdrawal is not allowed.

20.4(4) *Public opening of responses.* Responses are to be opened publicly and read aloud at the time stipulated in the solicitation.

20.4(5) *Consideration of responses.* The department reserves the right to accept or reject any or all responses. Individual responses may be rejected for any of the following reasons:

- a. Noncompliance with the requirements of this rule or of the solicitation.
- b. Financial insolvency of the bidder.
- c. Evidence of unfair bidding practices.
- d. For any other reason stated in this rule.

20.4(6) *Recommendation of award.*

a. *Time frame.* Unless otherwise specified by the department in the solicitation, an award is to be made within 30 days after the date and time set for public opening of submitted responses if it is in the best interest of the state. If an award is not made within the applicable time frame, the procurement is to be canceled unless an extension of time is mutually agreed to by the department and the apparent successful bidder.

b. *Tied responses.* Responses that are equal in all respects and are tied in price are to be resolved among the tied bidders by giving first preference to an Iowa bidder and second preference to the bidder who satisfactorily performed a contract the previous year for the same item at the same location. If the tie involves bidders with equal standing, the award is to be determined by lot among these bidders. A tied bidder or the bidder's representative may witness the determination by lot.

c. *Tabulation of responses.* A tabulation of responses with an award recommendation is to be sent to all interested parties including bidders at least ten days prior to award.

d. *Protests.* Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

e. *Return of bid bond.* Unsuccessful bidders' bid bonds shall be promptly returned by the department after award is made. The bid bond of the successful bidder shall be returned in accordance with subrule 20.4(7).

20.4(7) *Contract execution and performance.*

a. *Execution.* The successful bidder is to make good effort to enter into (execute) a formal contract with the department within 14 days after award.

b. *Performance bond and certificate of insurance.* A performance bond or certificate of liability and property damage insurance, or both, may be needed for those contracts involving services or specially constructed equipment. If needed, the performance bond and certificate of insurance are to be filed with the department promptly after award and prior to contract execution.

c. *Return of awarded bidder's bid bond.* The bid bond of the successful bidder is to be returned following execution of the contract. However, if the successful bidder fails to execute the contract and file an acceptable performance bond and certificate of insurance (if needed) promptly after award and prior to contract execution, or fails to comply with Iowa Code chapter 490, the award may be annulled and the bid bond forfeited.

d. *Assignment of contract.* The contractor is not to assign the contract to another party without written authorization from the department's purchasing section.

e. *Strikes, lockouts or acts of God.* If the contractor's business or source of supply has been disrupted by a strike, lockout or act of God, the contractor is to promptly advise the department's purchasing section. The department may elect to cancel the contract without penalty to either the contractor or to the department.

f. *Payment.* Unless otherwise stated in the contract, payment terms shall be net following the department's receipt and acceptance of the item(s) procured and receipt of an original invoice, in accordance with Iowa Code section 8A.514(3).

g. *Liquidated damages.* The contract terms may provide for liquidated damages to be assessed if the contractor fails to complete the contract within the contract period or for any other reason as specified in the contract.

20.4(8) Additional requirements.

a. The department's standard specifications for highway and bridge construction, as available on the department's website at www.iowadot.gov, where applicable and not in conflict with this rule or with the needs of a particular procurement, shall apply to formal solicitation procurement activities.

b. If there are federal funds involved in a particular procurement, and the federal procurement regulations conflict with this rule, then the federal procurement regulations shall apply.

c. Procurement of motor vehicles is to be in accordance with Iowa Code section 8A.311(20).

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.5(307) Informal solicitation procedures.

20.5(1) Bidders lists. The department will use its current bidders lists (more information can be found in subrule 20.4(1)) to the extent feasible and practicable. However, the solicitation will also be offered to any qualified bidder that has requested an opportunity to participate.

20.5(2) Form of solicitation. The solicitation is to be as detailed and complete as practicable for the time and resources available.

20.5(3) Form of response. Responses are to be submitted in writing or electronically when practicable. Written responses will prevail over oral responses in case of discrepancies, disputes or errors. Following is the order of preference:

- a. Original, signed submitted response.
- b. Electronically submitted response (facsimile, email, Internet).
- c. Oral response (e.g., telephonic).

20.5(4) Award. The award is to be offered to that responsible bidder whose response meets the requirements of the solicitation and is the most advantageous to the department. An Iowa bidder will be given preference over an out-of-state bidder when responses are equal in all respects and are tied in price.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.6(307) Professional and technical services. This rule applies to professional and technical services procured through the purchasing section using formal solicitation, informal solicitation or negotiation methods outlined in rules 761—20.3(307) through 761—20.6(307). The purchasing section will use the request for proposal (RFP) process, excluding cost evaluation, to ensure qualification-based selection for architectural, landscape architectural, and engineering services. Professional and technical services procured by the project management bureau are covered by rule 761—20.9(307).

20.6(1) RFP. A solicitation prepared by the department will include at least the minimum needs for the type of goods or services sought. The solicitation is sent to prospective offerors and is publicly posted on the department's website.

20.6(2) Evaluation committee. A committee is established for the purpose of reviewing and evaluating proposed responses based on a set of criteria as outlined in the RFP. "Evaluation criteria" will define categories with assigned weighted values to be used as a scoring measure to determine the best overall solution for the department based on technical expertise and price, including but not limited to:

- a. Overall content of written submitted proposal information.
- b. Business knowledge.
- c. Work experience in mandatory skill sets.
- d. Presentation or demonstration.
- e. Cost (will not be used for the selection of architectural, landscape architectural, or engineering services).

20.6(3) Award. The award is to be offered to a firm whose properly submitted compliant response best meets the needs of the solicitation and receives the highest overall score of the weighted criteria.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.7(307) Sole source or emergency selection. Sole source or emergency selection applies to all services, including professional and technical services. The department will fully document and include in the contract file the justification for use of sole source or emergency selection, the basis on which a particular firm is selected and that appropriate approvals were obtained.

20.7(1) *Sole source selection.* The department may select a single firm qualified to perform the work with which to negotiate when one of the following conditions exists:

a. Only a single firm is determined qualified or eligible to perform the contemplated services or is eminently more likely to most satisfactorily complete the work than another firm.

b. The services involve work that is of such a specialized character or nature, or related to a specific geographical location, that only a single firm, by virtue of experience, expertise, proximity to or familiarity with the project or ownership of intellectual property rights, could most satisfactorily complete the work.

20.7(2) *Emergency selection.* The department may select a single firm qualified to perform the work when there is an emergency that will not permit the time necessary to use normal selection procedures. An emergency includes, but is not limited to, one of the following:

a. A condition that threatens the public health, welfare or safety.

b. A need to protect the health, welfare or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement.

c. A situation in which the department must act to preserve critical services or programs.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.8(307) Conflicts with federal requirements. If any provision of this chapter would cause a denial of federal funds or services or would otherwise be inconsistent with federal law, federal law shall be adhered to, but only to the extent necessary to prevent denial of the federal funds or services or to eliminate the inconsistency with federal law.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

761—20.9(307) Negotiation—architectural, landscape architectural, engineering and related professional and technical services. This rule prescribes procedures followed by the project management bureau for the procurement of architectural, landscape architectural, surveying, general engineering consultant, construction inspection, engineering and related professional and technical services by negotiation where selection is based on qualifications in compliance with 23 CFR Part 172. Contract costs are negotiated after a qualification-based selection.

20.9(1) *Registration of firms providing professional and technical services.*

a. A firm wishing to provide professional and technical services to the department as a consultant may register to receive information through the GovDelivery portal available at the department's website at www.iowadot.gov. The firm is responsible for keeping the firm's information updated. For information, persons may contact the consultant coordinator at the Project Management Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or by telephone at 515.239.1803.

b. The department will maintain a list of work categories, descriptions and requirements for each work category online.

20.9(2) *Request for professional and technical services.* Prior to selecting a firm with which to initiate negotiations under this rule, the department will document the need for outside services, a description of the needed services, the time frame within which the work must be performed, and the method of selection to be used. One of the following methods is to be used to select a firm with which to initiate negotiations:

a. Complete process. More information can be found in subrule 20.9(3).

b. Small contract process. More information can be found in subrule 20.9(4).

c. Sole source or emergency selection. More information can be found in rule 761—20.7(307).

20.9(3) *Complete process.* The complete process method will use the following process and will be used unless another selection method is justified:

a. *RFP.* The department will prepare an RFP that will include the scope of the work, duration of the contract, list of applicable work categories, evaluation criteria (excluding cost), any established disadvantaged business enterprise or targeted small business goal for the proposed work, type of contract

anticipated, submission details including the point of contact for the RFP for any questions, the time by which the RFP should be received by the department and anticipated date of selection. The RFP will not request any cost information to be submitted by the proposing firms.

b. Website.

(1) The RFP will be posted on the department of administrative services' website no later than 48 hours prior to the issuance of the RFP.

(2) The RFP will be posted on the department's website. The notification of the RFP being posted will be sent to all users who have signed up to receive the notification via GovDelivery. The notification will include the link to the website where the RFP is posted. More information can be found in subrule 20.9(1).

(3) The department will post any questions received on the RFP and answers thereto on the website indicated in the GovDelivery notification.

c. Selection committee. The department will appoint a selection committee to become familiar with the RFP, review the firms that have responded to the RFP to determine if they meet the requirements of the work to be performed, and evaluate the firms that meet the qualifications per the evaluation criteria. The selection committee will, if necessary, interview the firms, score the firms, document the committee's decision and provide the scoring to the consultant steering committee.

d. Evaluation criteria. The selection committee is responsible for establishing criteria for evaluating each firm submitting a proposal, assigning weighted values to the criteria, and rating each firm on each criterion. Evaluation criteria are tailored to the needed services. Typical evaluation criteria are listed below. The list is intended as a guideline only; it is not exhaustive, nor is each criterion mandatory.

(1) Staffing expertise consistent with special project needs.

(2) Past experience with similar types of work.

(3) Current workload and commitment of key personnel.

(4) Specific qualifications of key staff who will be forming the firm's project team.

(5) Resources the firm has available and proposes to use on the project, including the firm's use of equipment and automated technology and the firm's compatibility with equipment and technology used by the department.

(6) Identification of proposed subconsultants and the work the subconsultants will perform.

e. Consultant steering committee. A consultant steering committee is responsible for reviewing the firms as scored by the selection committee, determining the order of preference for negotiations, and documenting its decision. The number of firms selected is to include at least two alternate firms. The committee is to document its reasoning when the number of selected firms is fewer than the minimum. The consultant steering committee is to consider not only the selection committee's scoring but other factors such as:

(1) A firm's ability to complete required tasks in the time allotted, taking into account other work currently under contract.

(2) The volume of work a firm has with the department, both existing and potential.

(3) The department's goal of having a breadth of experienced firms capable of providing quality services to the department.

(4) Other items unique to the particular contract.

f. Completion of selection process. After selection committee and consultant steering committee activities are complete, the department will determine whether negotiations may begin. If negotiations are approved, the department will proceed to negotiate with the firm that is first in order of preference.

g. Notification to firms. The department will post the results of the selection on the website identified in the GovDelivery notification. For firms not included on the ranked list of firms, the department will also provide a matrix showing the high, low and average scores for each item evaluated and that firm's score for each item.

20.9(4) Small contract process. The small contract process may be used to identify a single firm with which to negotiate when the estimated work under the contract can normally be completed within a 12-month period and the estimated cost of the contract will not exceed \$150,000.

a. Selection committee. The department will appoint a selection committee to identify at least three firms that meet the requirements of the work categories involved in performing the work; document the names of the firms considered, if necessary; interview the firms; select a firm with which to initiate negotiations; and document the committee's decision.

b. Completion of selection process. After selection committee activities are complete, the department will determine whether negotiations may begin. If negotiations are approved, the department will proceed to negotiate with the selected firm.

20.9(5) *Selection dispute resolution.* Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

20.9(6) *Negotiation of contract.* The purpose of negotiations is to develop a contract that is mutually satisfactory to the department and the selected firm.

a. The firm must submit a detailed cost proposal, including a detailed cost proposal for each proposed subcontract. The department will prepare an independent estimate of the cost of the proposed services, including a detailed estimate of the firm's staff hours needed to complete the contract. Significant differences are to be evaluated and resolved to the satisfaction of both parties. If it is impractical to make an independent estimate, the department will evaluate the acceptability of the firm's cost proposal on the basis of the reasonableness of the individual elements of the price proposed.

b. The department may perform a preaudit. A preaudit typically includes:

(1) An analysis of the firm's cost proposal and financial records for the method of accounting in place to ensure that the firm has the ability to adequately segregate and accumulate reasonable and allowable costs to be charged against the contract.

(2) An analysis of the firm's proposed direct costing rates and indirect overhead factors to ensure the firm's propriety and allowability.

c. For contracts with federal funding, the department will verify federal suspension and debarment actions and eligibility status of firms prior to entering into an agreement or contract.

20.9(7) *Unsuccessful negotiations.*

a. If a mutually satisfactory contract cannot be negotiated, the department will formally terminate the negotiations and notify the firm in writing. Termination of negotiations is without prejudice and at the department's discretion. The substance of terminated negotiations is confidential.

b. The department will then initiate negotiations with the firm given next preference, and this procedure may be continued until a mutually satisfactory contract has been negotiated. If a satisfactory contract cannot be negotiated with any of the selected firms, the department will either:

(1) Direct the selection committee to select one or more firms with which to continue negotiations, or

(2) Redefine the scope of the project or work and start over. More information can be found in subrule 20.9(2). Once negotiations are terminated, negotiations cannot be reopened with the same firm.

20.9(8) *Evaluation of performance.*

a. The department will evaluate all firms under this rule annually based on the contracts that were active during the fiscal year. Both the firm's performance and quality of the final product shall be evaluated. The evaluation considers:

(1) The quality and adequacy of work performed.

(2) The ability to meet established schedules and budgets.

(3) General administration of the contract, including substantiation of cost billings, payments to subconsultants, and documentation of claims.

(4) Cooperation shown by the firm in responding to requests for information and in revising procedures and products according to directions.

(5) Coordination exhibited by the firm in communicating with the department, subconsultants, agencies and others to accomplish tasks and resolve problems.

(6) Ingenuity displayed in solving unique and unusual design problems encountered during performance of contract objectives.

(7) The ability to obtain an acceptable end product with appropriate department staff guidance.

b. The firm is to be given an opportunity to review, comment on and sign the evaluation.

[ARC 9126C, IAB 4/16/25, effective 5/21/25]

These rules are intended to implement Iowa Code sections 8A.302(1), 8A.311(20), 8A.514(3), 73.15 through 73.21, 307.12(1) “j” and 307.21.

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CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[781—Ch 2 renumbered as 781—Ch 9, IAB 5/18/88, effective 6/22/88]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

781—2.1(17A,22) Definitions.

“Agency.” In lieu of the words “(official or body issuing these rules)”, insert “department of the treasurer of state”.

781—2.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.6(17A,22) Procedure by which a subject may have additions, dissents, or objections entered into the record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.9(17A,22) Disclosures without consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.12(17A,22) Release to the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

781—2.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 2.1(17A,22). Unless otherwise stated, the authority for this office to maintain the record is provided by Iowa Code chapter 12 and statutes governing the subject matter of the record. For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in another record system. The record systems maintained by the agency are:

2.14(1) Unclaimed property—missing owner records. Records containing lists of names, addresses, city, and ZIP codes of persons who have abandoned cash, stock or safe deposit contents. The list contains the amount abandoned and the date such was reported to the treasurer. These records are available for viewing on microfiche in the treasurer’s office and on printouts at state and county fairs statewide. This personally identifiable information is collected under the authority of Iowa Code chapter 556 and is maintained on paper, microfiche, and an automated data processing system.

2.14(2) Unclaimed property-holder reports. These annual reports are filed by financial institutions, insurance companies, and corporations. The original report is filed by name and is available on paper only. These records are collected under the authority of Iowa Code chapter 556.

2.14(3) Pledging of public funds. Records containing the name of federally insured bank, bank office, or credit union approved by the treasurer of state to accept the deposits of public funds in excess of federal insurance. Also included are the approved custodians which act as a safekeeping agent for the treasurer of state in holding collateral pledged by a depository to secure deposits of public funds. These records

contain personally identifiable information collected under the authority of Iowa Code chapter 453. The information is maintained on paper.

2.14(4) *Linked deposit programs.* Records containing linked deposits made by the treasurer of state under the horticulture and alternative crop program or the targeted small business program including information regarding the nature, terms, and amounts of the loans upon which the linked deposits were based and the names of the eligible borrowers to which the loans were made. The records include signed applications, agreements, correspondence, and program reports. These records contain personally identifiable information on the borrower and the lender, collected under the authority of Iowa Code section 12.43. The information is maintained on paper and on a word processor.

2.14(5) *Records of disclosure of information from persons or financial institutions regarding their open-end credit, credit cards, and financial services.* These records contain personally identifiable information, collected under the authority of Iowa Code section 12.27. The information on credit cards is kept on paper and in an automated data processing system. The financial services and open-end credit information is maintained on paper only. These records are filed by names of institutions or persons reporting.

2.14(6) *Request for proposal (RFP).* Records of solicitations to vendors to submit proposals for providing professional services. These records may contain personally identifiable information, collected under the authority of Iowa Code sections 12.30, 97A.7, and 602.9111. The information is maintained on paper and filed by vendor's name. Sealed bids received prior to selection will be confidential under the authority of Iowa Code section 72.3. Also to be considered by the treasurer of state are requests from vendors who have submitted business information, desiring to have all or part of that information treated as confidential.

2.14(7) *Report on state and local government bonding activities.* Records of information regarding outstanding obligations. These records contain personally identifiable information collected under the authority of Iowa Code section 12.30. The information is filed by the name of political subdivisions, instrumentalities, agencies, and authorities of the state and is maintained on paper and in an automated data processing system.

2.14(8) *South Africa-related investments and deposits.* Records include a list of companies that do business in or with the Republic of South Africa maintained for the purpose of which state funds and funds administered by the state shall not be invested or deposited in financial institutions or companies making loans or doing business with or in the Republic of South Africa. These records contain personally identifiable information, collected under the authority of Iowa Code sections 12A.1 through 12A.5. The information is maintained on paper and a word processing system, filed by company name. The list is developed with reference to information obtained from the United States Department of Commerce and Arthur D. Little, Inc., and other authoritative sources.

2.14(9) *Personnel files.* These files contain information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biological information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports; table of authorized positions, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

2.14(10) *Second injury fund records.* Second injury fund records setting forth the balance, income, source of income, and payments out of the fund. Records include copies of notices of petition, industrial commissioner rulings, appeals filed, and appeal decisions all filed by claimant name. These records contain personally identifiable information, collected under the authority of Iowa Code sections 85.63 through 85.69. The information is maintained on paper and certain parts are included on a word processing system. Records which represent and constitute the work of an attorney, which are related to litigation or claim made by or against the fund are considered confidential under the authority of Iowa Code section 22.7(4). All final orders are open to the public.

2.14(11) *Iowa centennial memorial scholarship.* Records on persons applying for and receiving scholarships from the Iowa centennial memorial foundation. These records include applications, letters of

recommendation, grade transcripts, statements of expenses and awards, and essays. The records contain personally identifiable information, collected under the authority of Iowa Code section 504.32. The information is maintained on paper only.

2.14(12) *Clerk of court reports.* Records of filing fees and court costs reported and remitted monthly by the clerk of court to the treasurer of state. These records may contain personally identifiable information, collected under the authority of Iowa Code sections 602.8105, 602.8106, and 602.8108. The information is maintained on paper only and is filed by county name.

2.14(13) *Forgery files.* Records concerning repayment for a forged state warrant investigated by the department of inspections and appeals. These records may include photocopies of forged warrants, correspondence, and copies of transmittal receipts to show repayment. These records are filed by claimant's name. This information, collected under the authority of Iowa Code section 12.3, is maintained on paper only.

2.14(14) *Financial reports.* Financial reports of distributions to cities and counties of the dollar amounts distributed from road use tax, liquor tax, franchise tax, hotel-motel tax, local sales and services tax and flood control. These records may contain personally identifiable information and are filed by county or city name or by a code number. Road use tax information is collected under the authority of Iowa Code chapter 312, liquor tax under Iowa Code section 125.59, franchise tax under Iowa Code section 422.64, hotel-motel tax under Iowa Code section 422A.2, local sales and services under Iowa Code sections 422B.8 through 422B.10, and flood control under federal Code 33 USC 701c 3. These records are maintained on paper and in an automated data processing system.

2.14(15) *Records of redeemed warrants filed by warrant number.* Locating information is maintained so photocopies of warrants may be made when deemed necessary. These records are collected under the authority of Iowa Code section 12.3. These records are maintained on paper and an automated data processing system and filed by warrant number. Locating information is kept on microfiche. Microfilmed warrants which may contain personally identifiable information, such as to whom the warrant was issued, are kept at the state records center.

2.14(16) *Records of invest-in-Iowa program.* Records of Iowa banks, savings and loans, and credit unions which have certificates of deposit from the treasurer of state. These records contain personally identifiable information, collected under the authority of Iowa Code section 12.8. These records are maintained on paper and on a word processing system, filed by institution name.

2.14(17) *Bank records.* Records of bank statements on the general operating accounts, filed by bank name and date. These records contain personally identifiable information, collected under the authority of Iowa Code section 12.10. The records are maintained on paper only.

2.14(18) *Loan agreements.* Records of agreements executed with brokers in order for borrowing of securities, filed by broker name. These records contain personally identifiable information, collected under the authority of Iowa Code section 12.8. The records are maintained on paper only.

2.14(19) *Receipts transmittal letters of moneys deposited by state agencies.* These records are filed by agency name and by date, collected under the authority of Iowa Code section 12.10. These records are maintained on paper and on an automated data processing system.

2.14(20) *Public bonds and obligations.* Records of identity of owners of public bonds or obligations maintained as provided in Iowa Code section 76.10 or by the issuer of the public bonds or obligations. These records contain personally identifiable information, collected under the authority of Iowa Code sections 76.10 and 12.26 through 12.30. These records are confidential under Iowa Code section 22.7(17). However, the issuer of the bonds or a state or federal agency may obtain information as necessary under Iowa Code section 76.11.

2.14(21) *Missing shareholders of liquidated corporation file.* This file is a listing of last known name, address, city, ZIP code, and dollar amount owed for persons who are entitled to proceeds from closed corporations. The file lists names collected for the past 20 years. After 20 years, ownership reverts to the state and the file is abolished. The file is maintained on a word processor and is available on paper for review by appointment made with the unclaimed property division in the Hoover Building. The file

is collected under Iowa Code section 496.101. This information is not maintained in an automated data processing system.

781—2.15(17A,22) Other groups of records routinely available for public inspection. This rule describes groups of records maintained by the agency other than record systems as defined in rule 2.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in rule 2.13(17A,22). In addition, the records may contain information about the individuals. Unless otherwise designated, the authority for this office to maintain the record is provided by Iowa Code chapter 12 and the statutes governing the subject matter of the record. All records are stored both on paper and in automated data processing systems unless otherwise noted.

2.15(1) Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

2.15(2) Council and commission records. Agendas, minutes, and materials presented to the Iowa centennial memorial foundation and rates set by the state rate setting committee are available from the office of treasurer of state, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 2.15 or are otherwise confidential by law. Council and commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier and is not stored on an automated data processing system.

2.15(3) Publications. News releases, annual reports, project reports, agency newsletters, official statements, etc., are available from the office of the treasurer of state. Brochures describing various agency programs are available at the office of treasurer of state. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees. This information is not retrieved by individual identifier and is not stored in an automated data processing system.

2.15(4) Appeal decisions and advisory opinions. All final orders, decisions and opinions are open to the public.

2.15(5) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2.15(6) Policy manuals. The agency employees' manual, containing the policies and procedures for programs administered by the agency, is available from the office of treasurer of state. Policy manuals do not contain information about individuals.

2.15(7) Administrative records. This includes documents concerning budget, property, inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

2.15(8) Other records. All other records that are not exempted from disclosure by law.

781—2.16(17A,22) Data processing systems. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system as described in 2.14(17A,22).

781—2.17(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 17
DECLARATORY ORDERS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 18
AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 19
WAIVER RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

TURKEY MARKETING COUNCIL, IOWA[787]

[Created by 1999 Iowa Acts, chapter 158, section 3]

CHAPTER 1

REFUNDS

1.1(78GA,ch158)

Refunds

CHAPTER 1
REFUNDS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

787—1.1(78GA,ch158) Refunds.

1.1(1) An assessment imposed under Iowa Code section 184.2 shall not be refunded on turkeys raised in Iowa.

1.1(2) An assessment may be refunded on turkeys raised in another state and processed in Iowa if both of the following criteria are met:

a. The refund is requested by an organization representing the interests of the turkey producers in the state in which the turkeys were raised.

b. The organization requesting the refund has a signed and effective agreement on file between it and the Iowa Turkey Marketing Council regarding the refund.

This rule is intended to implement 1999 Iowa Acts, chapter 158.

[Filed 11/12/99, Notice 7/28/99—published 12/1/99, effective 1/5/00]

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Created by 1992 Iowa Acts, chapter 1140, section 8
[Prior to 8/21/91, see Veterans Affairs Department[841]]
[Prior to 1/6/93, see Veterans Affairs Division[613]]

CHAPTER 1

ORGANIZATION AND PROCEDURES

1.1(35,35A,35D)	Definitions
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1.6	Reserved
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1.7(35A,35B)	Armed forces graves registration
1.8 and 1.9	Reserved
WAR ORPHANS EDUCATIONAL AID	
1.10	Reserved
MERCHANT MARINE WAR BONUS	
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Reserved

CHAPTER 7

COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND AND TRAINING PROGRAM

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7.2(35A,35B)	County commission of veteran affairs training program
7.3(35A,35B)	Report to the general assembly

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IOWA VETERANS HOME

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10.30(35D)	Incentive therapy and nonprofit rehabilitative programs
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10.35(35D)	Handling of pension money and other funds

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CHAPTER 17

VETERANS LICENSE FEE FUND

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CHAPTER 2505
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CHAPTER 2
PETITION FOR RULE MAKING

[Prior to 8/21/91, see Veterans Affairs Department[841] Ch 2]

[Prior to 1/6/93, see Veterans Affairs Division[613] Ch 2]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY RULINGS

[Prior to 8/21/91, see Veterans Affairs Department[841] Ch 2]

[Prior to 1/6/93, see Veterans Affairs Division[613] rule 2.4]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
AGENCY PROCEDURE FOR RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
Reserved

CHAPTER 6
FAIR INFORMATION PRACTICES

[Prior to 8/21/91, see Veterans Affairs Department[841] Ch 4]

[Prior to 1/6/93, see Veterans Affairs Division[613] Ch 4]

Rescinded **ARC 0428D**, IAB 7/8/26, effective 8/12/26

CHAPTER 8
CONTESTED CASES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
WAR ORPHANS EDUCATIONAL ASSISTANCE FUND
Rescinded **ARC 0248D**, IAB 4/29/26, effective 6/3/26

CHAPTERS 18 to 2504
Reserved

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 8/12/31

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.

[ARC 0428D, IAB 7/8/26, effective 8/12/26]

801—2505.9(17A,22) Additional definitions. As used in this chapter:

“*Client*” means a person who has applied for or receives services or assistance from the agency.

“*Custodian*” means the agency or person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22. For all commission and department records, including the Iowa Veterans Home records, the custodian is the commandant.

“*Record system*” in these rules means any group of records under the control of the agency from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

[ARC 0428D, IAB 7/8/26, effective 8/12/26]

801—2505.10(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 801—2505.9(17A,22). For each record system, this rule describes the legal authority for the collection of that information, describes the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are as follows:

2505.10(1) Military graves registration. These records are collected under the authority of Iowa Code section 35A.5(8). They are maintained in hard copy by the agency, on Iowa Form 582-1002, CPE-94252. Requests for these records should be referred to the commandant.

2505.10(2) World War I, World War II, Korea, Vietnam veterans bonus. These records are collected under the authority of Iowa Code section 35A.5(4). They are maintained in hard copy by the agency. Requests for these records should be referred to the commandant.

2505.10(3) Iowa war orphans Act bonus applications. These listings are award applications and bonus payments from the war orphans educational fund and are collected in accordance with Iowa Code section 35A.5(4) and maintained in hard copy format. Requests for these records should be referred to the commandant.

2505.10(4) Iowa Korean War memorial fund. This listing consolidates contributions of all funds received for the Iowa Korean War Memorial authorized by the governor’s directive of August 1986. These records are maintained in hard copy format. Requests for these records should be referred to the commandant.

2505.10(5) Reserved.

2505.10(6) DD Form 214, Notification of Separation from Service. This listing provides information to the state on individuals separating from active military service in the armed forces. It is used routinely to establish entitlement by the veteran to county, state and federal benefits, such as hospitalization and educational assistance. Request for verification of service should be addressed to the commandant.

2505.10(7) Iowa Veterans Home client case records. Iowa Veterans Home client records contain identifying information, demographic information, financial information, clinical assessment and care information and related documentation. Some of this information is maintained on microfilm. Automated data processing associated with Iowa Veterans Home client records include admission and discharge systems, billing systems, client banking systems, and selected client data systems. Requests for these records should be referred to the commandant. Legal authority for collection of this information and

applicable determinations regarding confidentiality are found in Iowa Code section 22.7 and chapters 35D, 222, 228, and 229. Requests for information from these records should be referred to the commandant.

2505.10(8) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18).

[ARC 0428D, IAB 7/8/26, effective 8/12/26]

801—2505.11(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems defined in rule 801—2505.9(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information, as discussed in rule 7—2505.7(17A,22). In addition, the records may contain information about individuals.

2505.11(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments or proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

2505.11(2) Iowa commission of veterans affairs meeting records. Agendas, minutes, and materials deliberated by the commission are available from the commandant. Commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by personal identifier nor stored on an automated data processing system.

2505.11(3) Publications. News releases, literature, and reports regarding the commission, the department, or the Iowa Veterans Home, newsletters from various veterans associations or from the federal government are available from the commandant. Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

2505.11(4) Other records. All other records that are not exempted from disclosure by law are available from the commandant.

[ARC 0428D, IAB 7/8/26, effective 8/12/26]

801—2505.12(17A,22) Data processing system. Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

[ARC 0428D, IAB 7/8/26, effective 8/12/26]

[Filed ARC 0428D (Notice ARC 9839C, IAB 12/10/25), IAB 7/8/26, effective 8/12/26]

VETERINARY MEDICINE BOARD[811]

Rules renumbered and transferred from agency number[842] to [811] to conform with the reorganization numbering scheme in general.

CHAPTER 1

DESCRIPTION OF ORGANIZATION AND DEFINITIONS

- 1.1(17A,169) Organization and duties
- 1.2(17A,169) Headquarters of the board
- 1.3(17A,169) Meetings
- 1.4(17A,169) Definitions

CHAPTERS 2 to 4

Reserved

CHAPTER 5

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

- 5.1(17A,22) Definitions
- 5.3 to 5.13 Reserved
- 5.14(17A,22) Personally identifiable information
- 5.15(17A,22) Other groups of records
- 5.16(17A,22) Data processing systems

CHAPTER 6

APPLICATION FOR VETERINARY LICENSURE

- 6.1(169) Procedure
- 6.2(169) Fee schedule for veterinarians
- 6.3(169) Reactivation fee
- 6.4(169) Graduates of foreign schools
- 6.5(169) License by endorsement
- 6.6(272C) Licensure by verification
- 6.7(169) Issuance of limited license; specialization
- 6.8(169) License renewal
- 6.9(169) Renewal, lapsed or inactive license

CHAPTER 7

VETERINARY EXAMINATIONS

- 7.1(169) Examination procedure
- 7.2(169) Conduct

CHAPTER 8

AUXILIARY PERSONNEL

- 8.1(169) Registered veterinary technician—certificate of registration
- 8.2(169) Fee schedule for registered veterinary technicians
- 8.3(169) Veterinary technician state examination
- 8.4(272C) Registration as veterinary technician by verification
- 8.5(272C) Applicants with work experience in jurisdictions without licensure requirements
- 8.6(169,272C) Endorsed certificate of registration
- 8.7(169) Supervision of veterinary auxiliary personnel
- 8.8(169,272C) Continuing education

CHAPTER 9

TEMPORARY VETERINARY PERMITS

- 9.1(169) Eligibility for a temporary permit
- 9.2(169) Application
- 9.3(169) Practice without benefit of temporary permit or Iowa license
- 9.4(169) Grounds for discipline and disciplinary procedures

CHAPTER 10

DISCIPLINE

10.1(17A,169,272C)	Board authority
10.2(17A,169,272C)	Complaints and investigations
10.3(17A,169,272C)	Investigatory subpoena powers
10.4(17A,169,272C)	Board action
10.5(17A,169,272C)	Peer review committee
10.6(17A,169,272C)	Grounds for discipline and principles of veterinary medical ethics
10.7(17A,169,272C)	Sanctions
10.8(17A,169,272C)	Panel of specialists
10.9(17A,169,272C)	Informal settlement
10.10(17A,169,272C)	Voluntary surrender
10.11(17A,169,272C)	Application for reinstatement

CHAPTER 11 CONTINUING EDUCATION

11.1(169)	Continuing education necessary for a veterinary licensee
11.2(169)	Exemptions for an inactive veterinary licensee
11.3(169)	Reactivation of license

CHAPTER 12 STANDARDS OF PRACTICE

12.1(169)	Veterinarian/client/patient relationships
12.2(169)	Controlled substances, drugs, prescription medications and specific restricted immunization products
12.3(169)	Prescription drug or medication labeling and packaging
12.4(169)	Veterinary medical records
12.5(169)	Veterinary facilities

CHAPTER 13 COLLECTION PROCEDURES

13.1(169,252J,272D)	Licensing actions
13.2(169,252J,272D)	Collection procedures

CHAPTER 14 Reserved

CHAPTER 15 MILITARY SERVICE AND VETERAN RECIPROCITY

15.1(272C)	Definitions
15.2(272C)	Military education, training, and service credit
15.3(272C)	Veteran or spouse reciprocity

CHAPTER 2
PETITIONS FOR RULEMAKING

[Prior to 2/8/89, Veterinary Medicine, Board of[842] 1.4]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY ORDERS

[Prior to 2/8/89, Veterinary Medicine, Board of[842] 1.5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

[Prior to 2/8/89, Veterinary Medicine, Board of[842] 1.4]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—5.1(17A,22) Definitions. In lieu of “(official or body issuing these rules)”, insert “board of veterinary medicine”.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.13(17A,22) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

811—5.14(17A,22) Personally identifiable information. The agency maintains systems of records that contain personally identifiable information. Unless otherwise stated, the authority for this agency to maintain the record is provided by Iowa Code chapter 169. The record systems maintained by the agency are:

5.14(1) *Personnel files.* Employees of the agency are employed through the department of agriculture and land stewardship. Through the department of agriculture and land stewardship, the agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

5.14(2) *Litigation files.* These files or records contain information regarding litigation or anticipated litigation, which include 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 seeking copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court that maintains the official copy.

5.14(3) *Contested case matters.* These records are collected and maintained pursuant to Iowa Code sections 17A.3(1) “d,” 17A.3(2), and 17A.12, and the Iowa Code sections noted in subrule 5.14(4). Contested case matters include all pleadings, motions, briefs, orders, transcripts, exhibits, and physical

evidence utilized in the resolution of the matter, and may, unless released by the credential holder, be confidential as stated in subrule 5.14(4). These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

5.14(4) *Credential records.* Under Iowa Code chapter 169, the board regulates by license veterinarians; regulates by certificate veterinary technicians, assistants and veterinary students; and regulates by temporary permit veterinarians credentialed under Iowa Code section 169.11 and rule 811—9.1(169). Credential records include, but are not limited to, information identifying the credential holder by name or code, location, and form of business entity, including the names of corporate principals. These records may include examinations, complaints, compliance activities and investigatory reports that are confidential. These records may include confidential information protected from disclosure under Iowa Code sections 22.7, 169.6 and 272.6. These records are maintained jointly with the department of agriculture and land stewardship. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

5.14(5) *Laboratory reports.* In furtherance of licensure and certification regulation under subrule 5.14(4), the board may procure laboratory reports consisting of analytical results of samples. These records may include confidential information protected from disclosure under Iowa Code section 22.7(3), 22.7(6), or 22.7(18), as well as those provisions stated in subrule 5.14(4). These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system. These records are identified by the name or code of the subject of the investigation.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.15(17A,22) Other groups of records. Other groups of records are maintained by the agency other than the records defined in rule 811—5.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in rule 811—5.13(17A,22). The records listed may contain information about individuals.

5.15(1) *Administrative records.* This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

5.15(2) *Publications.* The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

5.15(3) *Rulemaking records.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is available for public inspection.

5.15(4) *Board records.* Agendas, minutes, and materials prepared or maintained by the board are available from the office, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5 or that are otherwise confidential by law. Board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

5.15(5) *Other records.* All other records that are not exempted from disclosure by law.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.16(17A,22) Data processing systems. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.17(169,252J,272D) Release of confidential licensing information for collection purposes. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A, 22, 169 and 252J.

[Filed 3/2/78, Notice 9/21/77—published 3/22/78, effective 4/26/78]

[Filed 1/20/89, Notice 11/16/88—published 2/8/89, effective 3/15/89]

[Filed 8/9/96, Notice 5/22/96—published 8/28/96, effective 10/2/96]

[Filed 10/27/98, Notice 9/9/98—published 11/18/98, effective 12/23/98]

[Filed 9/4/08, Notices 4/23/08, 6/18/08—published 9/24/08, effective 10/29/08]

[Filed ARC 9512B (Notice ARC 9429B, IAB 3/23/11), IAB 5/18/11, effective 6/22/11]

[Filed ARC 5062C (Notice ARC 5013C, IAB 3/25/20), IAB 6/17/20, effective 7/22/20]

[Filed ARC 8014C (Notice ARC 7560C, IAB 1/24/24), IAB 5/15/24, effective 7/1/24]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC
Supplement 7/8/26, effective 7/1/26]

CHAPTER 14
WAIVER OF RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 16
CONTESTED CASES

[Prior to 5/15/24, see Veterinary Medicine Board[811] Ch 10]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

[Created by Executive Order 48 on 2/14/94]

[Prior to 3/31/04, see Iowa Commission on National and Community Service[555];
renamed Iowa Commission on Volunteer Service by Executive Order 64 on 5/18/98]

CHAPTER 1

ORGANIZATION AND OPERATION

- 1.1(ExecOrd48) Purpose
- 1.2(ExecOrd48) Organization and operation

CHAPTERS 2 to 7

Reserved

CHAPTER 8

IOWA YOUTH MENTORING PROGRAM CERTIFICATION

- 8.1(15H) Definitions
- 8.2(15H) Certification
- 8.3(15H) Description of application
- 8.4(15H) Basis for certification standards
- 8.5(15H) Special consideration
- 8.6(15H) Decertification
- 8.7(15H) Fraudulent practices in connection with certified mentoring programs
- 8.8(15H) Appeal procedure

CHAPTER 9

IOWA SUMMER YOUTH CORPS

- 9.1(83GA,SF482) Purpose and program description
- 9.2(83GA,SF482) Applications
- 9.3(83GA,SF482) Incentives
- 9.4(83GA,SF482) Grant criteria
- 9.5(83GA,SF482) Designated funds
- 9.6(83GA,SF482) Application process for new grants
- 9.7(83GA,SF482) Administration of grants
- 9.8(83GA,SF482) Reversion of funds

CHAPTER 10

IOWA GREEN CORPS

- 10.1(83GA,SF482) Purpose and program description
- 10.2(83GA,SF482) Applications
- 10.3(83GA,SF482) Incentives
- 10.4(83GA,SF482) Grant criteria
- 10.5(83GA,SF482) Designated funds
- 10.6(83GA,SF482) Application process for new grants
- 10.7(83GA,SF482) Administration of grants
- 10.8(83GA,SF482) Reversion of funds

CHAPTER 11

IOWA READING CORPS

- 11.1(15H) Purpose and program description
- 11.2(15H) Applications
- 11.3(15H) Program eligibility criteria
- 11.4(15H) Grant criteria
- 11.5(15H) Designated funds
- 11.6(15H) Application process for new grants
- 11.7(15H) Administration of grants
- 11.8(15H) Reversion of funds

CHAPTER 12
RefugeeRISE AMERICORPS

- 12.1(15H) Purpose and description of the program
- 12.2(15H) Applications
- 12.3(15H) Program eligibility criteria
- 12.4(15H) Grant criteria
- 12.5(15H) Application process for new grants
- 12.6(15H) Administration of grants
- 12.7(15H) Reversion of funds

CHAPTER 13
FUTURE READY IOWA VOLUNTEER MENTOR PROGRAM

- 13.1(15H) Purpose and program description
- 13.2(15H) Definitions
- 13.3(15H) Program standards, guidelines, and expectations
- 13.4(15H) Mentor/mentee agreement
- 13.5(15H) Mentor request and application process
- 13.6(15H) Subrecipient award process

CHAPTER 14
IOWA NATIONAL SERVICE CORPS PROGRAM

- 14.1(15H) Purpose and program description
- 14.2(15H) Definitions
- 14.3(15H) Approval
- 14.4(15H) Approval standards
- 14.5(15H) Application process
- 14.6(15H) Special consideration
- 14.7(15H) Decertification
- 14.8(15H) Fraudulent practices in connection with approved national service corps programs
- 14.9(15H) Appeal procedure
- 14.10(15H) Intergovernmental agreements
- 14.11(15H) Program administration
- 14.12(15H) Funding priority
- 14.13(15H) Hiring preferences
- 14.14(15H) Participant employment status

CHAPTER 2
RULE MAKING

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
DECLARATORY RULINGS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
Reserved

CHAPTER 5
DUE PROCESS

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7
RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP)

Rescinded **ARC 9142C**, IAB 4/16/25, effective 6/1/25

VOTER REGISTRATION COMMISSION[821]

Prior to 3/21/90, Voter Registration Commission[845]

CHAPTER 1

ORGANIZATION, PURPOSE, PROCEDURES AND DEFINITIONS

- 1.1(47) Voter registration commission composition
- 1.2(47) State registrar of voters
- 1.3(47) General operating rules
- 1.4(47) Voter registration staff
- 1.5 and 1.6 Reserved
- 1.7(47) Definitions

CHAPTER 2

VOTER REGISTRATION FORMS, ACCEPTABILITY, REGISTRATION DATES, AND EFFECTIVE DATES

- 2.1(48A) Voter registration forms
- 2.2(48A) Agency code
- 2.3(48A) Federal mail-in application
- 2.4(48A) Paperless (electronic) registration forms
- 2.5(48A) Acquisition of registration forms
- 2.6(48A) Production of forms
- 2.7(48A) Availability of forms
- 2.8(48A) Incomplete applications
- 2.9(48A) Optional data not required
- 2.10(48A) Alternate (nonmailable) registration forms
- 2.11 Reserved
- 2.12(48A) County registration date
- 2.13 Reserved
- 2.14(48A) Voter registration status codes
- 2.15(48A) Verification of voter registration information
- 2.16(47,48A) Form of official Iowa voter registration application
- 2.17(48A) Voter registration forms produced by electronic poll books

CHAPTER 3

LISTS OF REGISTERED VOTERS

- 3.1(48A) List defined
- 3.2(48A) Request for list
- 3.3(48A) Contents of written request
- 3.4(48A) Contents of telephone request
- 3.5(48A) Requests received by a county commissioner
- 3.6(48A) Requests received by the state registrar
- 3.7(48A) Payment for lists required
- 3.8(48A) Confidential data
- 3.9(48A) List of a person's own voter registration record
- 3.10(48A) Driver's license numbers

CHAPTER 4

Reserved

CHAPTER 5

ELECTION REGISTERS

- 5.1(47) Election registers

CHAPTER 6

DATA PROCESSING SYSTEM REQUIREMENTS FOR VOTER REGISTRATION

- 6.1(47) Statewide voter registration system requirements

CHAPTER 7

VOTER REGISTRATION MAILING ADDRESS MAINTENANCE

- 7.1(48A) Mailing addresses on voter registration applications
- 7.2(48A) Voter registration acknowledgment card returned from mailing address as undeliverable
- 7.3(48A) Voter registration list maintenance notice returned from mailing address as undeliverable
- 7.4(48A) National change of address (NCOA) match returns new mailing address information for a registered voter
- 7.5(48A) United States Post Office provides notice of commencement or termination of household mail delivery

CHAPTER 8

TRANSMISSION OF REGISTRATION FORMS BY AGENCIES

- 8.1(48A) Transmission of electronic voter registration applications
- 8.2(48A) Data elements of paperless voter registration transactions
- 8.3(48A) File specifications
- 8.4(48A) Technical requirements for electronic signatures
- 8.5(48A) Transmission of paper voter registration forms

CHAPTER 9

NATIONAL CHANGE OF ADDRESS PROGRAM

- 9.1(48A) State registrar to organize
- 9.2(48A) Commissioner's responsibility upon receipt of NCOA data
- 9.3(48A) State to coordinate mailing of NCOA notifications
- 9.4(48A) Fees

CHAPTER 10

NOTICE TO VOTERS WITHOUT ACTIVITY IN FOUR YEARS IN COUNTIES USING NCOA RECORDS; TO ALL VOTERS IN OTHER COUNTIES

- 10.1(48A) NCOA county commissioner determines nonactivity; sends notices
- 10.2(48A) Fees
- 10.3(48A) Voter record made inactive

CHAPTER 11

REGISTRATION PROCEDURE AT THE OFFICE OF DRIVER SERVICES, DEPARTMENT OF TRANSPORTATION

- 11.1(48A) Registration status may be checked
- 11.2(48A) Driver services client to be afforded opportunity to apply to register to vote or make changes to existing registration
- 11.3(48A) Unregistered client who wants to register
- 11.4(48A) Unregistered clients uncertain of status
- 11.5(48A) Registered clients
- 11.6(48A) Signature on attestation required
- 11.7(48A) Electronic voter registration transactions

CHAPTER 12

VOTER NOTIFICATIONS

- 12.1(48A) Primary and general election polling place change—voter notification required

CHAPTER 1
ORGANIZATION, PURPOSE, PROCEDURES AND DEFINITIONS
[Prior to 3/21/90, see Voter Registration Commission[845], Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

821—1.1(47) Voter registration commission composition. The commission consists of four members: the state commissioner of elections, and the chairpersons of the two state political parties whose candidates for President of the United States or for governor, as the case may be, in the most recent general election, received the greatest and the second greatest number of votes, or their designees, and a person appointed by the president of the Iowa State Association of County Auditors.

821—1.2(47) State registrar of voters. The state commissioner of elections is designated the state registrar of voters. The state registrar is responsible for the regulation of the preservation, preparation and maintenance of voter registration records. This regulation activity is in accordance with the policies of the voter registration commission.

This rule is intended to implement Iowa Code section 47.7(1).

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—1.3(47) General operating rules.

1.3(1) The chair of the commission is the state commissioner of elections or the state commissioner's designee.

1.3(2) Any member of the commission, including the chair, may make and second any motion.

1.3(3) To prevail, a motion, declaratory ruling, or ruling in a contested case must receive the votes of a majority of commissioners present and voting.

1.3(4) A designee of a statutory member shall present a letter from the statutory member appointing the designee.

1.3(5) A quorum of the commission is four members. No official action may be taken in the absence of a quorum.

[ARC 4493C, IAB 6/5/19, effective 7/10/19]

821—1.4(47) Voter registration staff.

1.4(1) *Voter registration system.* Under the general direction of the state registrar of voters, the voter registration staff conducts and directs those activities necessary to implement and maintain the statewide voter registration system. The voter registration staff includes clerical and technical personnel temporarily or permanently assigned by the registrar to support the voter registration function.

1.4(2) *Intergovernmental relations.* The voter registration staff is responsible for working with and assisting county commissioners in performing their voter registration duties under the law, including acquisition of voter registration data processing services, preparation of election registers, maintaining voter registration files, processing registration applications and related activities. The staff is responsible for communicating with state and federal court officials to arrange for the provision of information from voter registration records to the courts for use in the jury selection process. The staff is also responsible for ensuring the transfer of electronic registration data from registration agencies and the department of transportation to the appropriate county commissioner.

1.4(3) *Staff support to the commission.* The registrar and voter registration staff provide support services to the commission as required in the performance of the commission's official duties.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—1.5(47) Declaratory ruling by voter registration commission. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

821—1.6(47) Contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

821—1.7(47) Definitions. The following terms have the meanings assigned to them by this rule wherever the terms appear in these rules, unless the context of usage clearly requires otherwise.

“Agency” means a voter registration agency and the office of driver services, department of transportation.

“Commission” or *“voter registration commission”* means the voter registration commission as defined in Iowa Code section 47.8.

“Commissioner” or *“county commissioner”* means the county commissioner of registration as defined in Iowa Code section 48.1.

“Driver license clerk” means an employee of the office of driver services, department of transportation, who has face-to-face contact with clients seeking a driver license or nonoperator identification card, or a county employee in the office of the county treasurer who performs a similar function.

“NCOA” means National Change of Address, and refers to the collection and distribution of information by the United States Postal Service or its licensed vendors; programs instituted to support that collection and distribution; or the information itself.

“Registrar” or *“state registrar”* means the state registrar of voters as defined in Iowa Code section 47.7.

“Voter registration agency” means any department, division, or bureau in state government which provides voter registration services pursuant to Iowa Code section 48A.19. A department, division, or bureau which merely makes mail-in voter registration applications available to its clients, employees, or general public is not a voter registration agency, nor is the office of driver services, department of transportation.

“Voter registration commissioner” means a member of the voter registration commission.

[ARC 7883B, IAB 7/1/09, effective 7/1/09]

821—1.8(17A) Petition for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code sections 17A.7, 47.7 and 47.8.

[Filed 7/5/77, Notice 6/1/77—published 7/27/77, effective 8/31/77]

[Filed 8/30/89, Notice 4/5/89—published 9/20/89, effective 10/25/89]

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[Filed 11/4/94, Notice 9/28/94—published 11/23/94, effective 1/5/95]

[Filed emergency 10/6/95—published 10/25/95, effective 10/6/95]

[Filed 12/16/99, Notice 10/20/99—published 1/12/00, effective 2/16/00]

[Filed Emergency ARC 7883B, IAB 7/1/09, effective 7/1/09]

[Filed ARC 4493C (Notice ARC 4383C, IAB 4/10/19), IAB 6/5/19, effective 7/10/19]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

WORKFORCE DEVELOPMENT DEPARTMENT[871]

[Prior to 9/24/86, see Employment Security[370], renamed Job Service Division[345] under the “umbrella” of Department of Employment Services by 1986 Iowa Acts, chapter 1245]

[Prior to 3/12/97, see Job Service Division[345], renamed Department of Workforce Development by 1996 Iowa Acts, chapter 1186]

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[Prior to 5/14/25, see Workforce Development Department[871] Ch 41]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 3
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 3/12/97 see Employment Services[341] Ch 2]
[Prior to 5/14/25, see Workforce Development Department[871] Ch 42]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/29/30

871—3.1(22,84A) Definitions. As used in this chapter:

“*Agency*.” In lieu of the words “(official or body issuing these rules)”, insert “the Department of Workforce Development”.

“*Person*” means an individual, corporation, governmental entity, estate, trust, partnership, association, or any other legal entity.

“*Personally identifiable information*.” In lieu of the words “an individual in a record that identifies the individual and that is contained in a record system”, insert “a person in a record that identifies the person and that is contained in a record system”.

“*Record system*.” In lieu of the words “an individual, number, symbol, or other unique retriever assigned to an individual”, insert “a person, number, symbol or other unique retriever assigned to the person”.

[ARC 8690C, IAB 12/25/24, effective 1/29/25; Editorial change: IAC Supplement 5/14/25]

871—3.3(22,84A) Request for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.4(22,84A) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.6(22,84A) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.7(22,84A) Consent to disclosure by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.9(22,84A) Disclosure without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.10(22,84A) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.11(22,84A) Release to a subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.12(22,84A) Availability of records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

871—3.13(22,84A) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 871—3.1(22,84A). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

3.13(1) The record systems maintained by the agency are:

a. Labor market records. These records are collected from employing units under an agreement with the United States Department of Labor, Bureau of Labor Statistics, for the purposes of analyzing and distributing general labor market information including current employment statistics, employment by occupation statistics, local area unemployment statistics, wage and hour statistics, and permanent mass layoff and plant closing statistics. These records are stored in an automated data processing system and may be retrieved by a personal identifier.

b. County economic development survey records. These records are collected from employing units and individuals under an agreement with the department of workforce development, for the purposes of providing local economic development groups with statistical information on the number and characteristics of individuals available for employment within a county as well as providing employee wage by occupation and benefit information. These records are stored in an automated data processing system and may be retrieved by a personal identifier.

c. Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11). Some of these records are stored in an automated data processing system and may be retrieved by a personal identifier.

d. Other groups of records routinely available for public inspection. This paragraph describes groups of records maintained by the agency other than in a record system as defined in rule 871—3.1(22,84A):

(1) Rulemaking. Rulemaking records may contain information about persons making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.

(2) Committee records. Agendas, minutes, and materials presented to the department of workforce development coordinating committee are available from the custodian, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5(4). Coordinating committee records contain information about persons who participate in meetings. This information is collected pursuant to Iowa Code sections 21.3 and 84A.2(4). These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.

(3) Publications. News releases, annual reports, project reports, agency newsletters, brochures, etc., are available at the administrative office of the agency. These may contain information about persons, including agency staff or members of agency committees. These records are not stored on an automated data processing system and may not be retrieved by a personal identifier.

(4) Statistical reports. Periodic reports of labor market information are available from the agency. Statistical reports do not contain information about persons.

(5) Appeal decisions and advisory opinions. All final orders, decisions and opinions are open to the public except for information that is confidential according to paragraph 3.12(2)“g.” These records may contain information about a person collected under the authority of Iowa Code section 84A.1.

(6) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

(7) Policy manuals. The agency employees’ manual, containing the policies and procedures for programs administered by the agency, is available in the administrative office of the agency. Subscriptions to all or part of the employees’ manual are available at the cost of production and handling. Requests for subscription information should be addressed to the custodian of the record, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. Policy manuals do not contain information about persons.

(8) All other records that are not exempted from disclosure by law.

3.13(2) All data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

[ARC 8690C, IAB 12/25/24, effective 1/29/25; Editorial change: IAC Supplement 5/14/25]

871—3.14(22,84A) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code section 22.11.

[Filed 4/15/88, Notice 2/24/88—published 5/4/88, effective 6/8/88]

[Filed 10/28/88, Notice 8/24/88—published 11/16/88, effective 12/21/88]

[Filed 2/20/97, Notice 1/15/97—published 3/12/97, effective 4/16/97]

[Filed 9/26/03, Notice 8/20/03—published 10/15/03, effective 11/19/03]

[Filed ARC 8690C (Notice ARC 8310C, IAB 10/30/24), IAB 12/25/24, effective 1/29/25]

[Editorial change: IAC Supplement 5/14/25]

[Content rescinded by 2026 Iowa Acts, Senate File 2463, section 4—editorially removed in IAC Supplement 7/8/26, effective 7/1/26]

CHAPTER 4
PETITIONS FOR RULEMAKING

[Prior to 3/12/97 see Employment Services[341] Ch 3]

[Prior to 5/14/25, see Workforce Development Department[871] Ch 43]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DECLARATORY ORDERS

[Prior to 3/12/97 see Employment Services[341] Ch 4]

[Prior to 5/14/25, see Workforce Development Department[871] Ch 44]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
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Title II
UNEMPLOYMENT INSURANCE AND RESEARCH AND INFORMATION SERVICES

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LABOR SERVICES DIVISION[875]

[Prior to 11/19/97, see Labor Services Division[347]]

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*IOWA OCCUPATIONAL
SAFETY AND HEALTH*

CHAPTERS 2 to 30

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CHILD LABOR

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AMUSEMENT RIDES, DEVICES, AND CONCESSION BOOTHS

CHAPTERS 61 to 64

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ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

CHAPTERS 65 to 79

Reserved

BOILERS AND PRESSURE VESSELS

CHAPTERS 80 to 109

Reserved

RIGHT TO KNOW

CHAPTERS 110 to 149

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CONSTRUCTION—REGISTRATION AND BONDING

CHAPTERS 150 to 155

Reserved

CHAPTER 156**BIDDER PREFERENCES IN GOVERNMENT CONTRACTING**

156.1(73A)	Purpose, scope and definitions
156.2(73A)	Reporting of resident status of bidders
156.3(73A)	Application of preference
156.4(73A)	Complaints regarding alleged violations of the Act
156.5(73A)	Nonresident bidder record-keeping requirements
156.6(73A)	Investigations; determination of civil penalty
156.7(73A)	Remedies
156.8(73A)	Compliance with federal law
156.9(73A)	Severability

CHAPTER 156
BIDDER PREFERENCES IN GOVERNMENT CONTRACTING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

875—156.1(73A) Purpose, scope and definitions. These rules institute administrative and operational procedures for enforcement of the Act. The definitions and interpretations contained in Iowa Code section 73A.21 shall be applicable to such terms when used in this chapter.

“*Act*” means Iowa Code section 73A.21.

“*Affiliate*,” when used with respect to any specified person or entity, means another person or entity that, either directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control or ownership with, such specified person or entity.

“*Commissioner*” means the labor commissioner appointed pursuant to Iowa Code section 91.2, or the labor commissioner’s designee.

“*Division*” means the division of labor of the department of workforce development.

“*Nonresident bidder*” means a person or entity that does not meet the definition of a resident bidder, including any affiliate of any person or entity that is a nonresident bidder.

“*Parent*,” when used with respect to any specified person or entity, means an affiliate controlling such specified person or entity directly or indirectly through one or more intermediaries.

“*Public body*” means the state and any of its political subdivisions, including a school district, public utility, or the state board of regents.

“*Public improvement*” means a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, and any of its political subdivisions and includes road construction, reconstruction, and maintenance projects.

“*Public utility*” includes municipally owned utilities and municipally owned waterworks.

“*Resident bidder*” means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least three years prior to the date of the first advertisement for the public improvement. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

“*Resident labor force preference*” means a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

“*Subsidiary*,” when used with respect to any specified person or entity, is an affiliate controlled by such specified person or entity directly or indirectly through one or more intermediaries.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.2(73A) Reporting of resident status of bidders.

156.2(1) Reporting to public body. When a contract for a public improvement is to be awarded to the lowest responsible bidder, the public body shall request a statement from each bidder regarding the bidder’s resident status. The statement shall be on the form designated by the commissioner. The statement shall require the bidder to certify whether the bidder is a resident bidder or a nonresident bidder. In the case of a resident bidder, the statement shall require the resident bidder to identify each office at which the resident bidder has conducted business in the state during the previous three years and the dates on which the resident bidder conducted business at each office. In the case of a nonresident bidder, the statement shall require the nonresident bidder to identify the nonresident bidder’s home state or foreign country as reported to the Iowa secretary of state, to identify each preference offered by the nonresident bidder’s home state or foreign country, and to certify that, except as set forth on the form, there are no other preferences offered by the nonresident bidder’s home state or foreign country. The statement shall include such additional information as requested by the commissioner. The statement must be signed by an authorized representative of the bidder. A fully completed statement shall be deemed to be incorporated by reference into all project bid specifications and contract documents with any bidder on a public improvement. Failure

to provide the statement with the bid may result in the bid being deemed nonresponsive. This may result in the bid being rejected by the public body.

156.2(2) *Determining residency status.*

a. For purposes of the Act, a person or entity is a resident bidder if the person or entity:

(1) Is authorized to transact business in Iowa; and

(2) Has had one or more places of business in Iowa at which it is conducting or has conducted business in this state for at least three years immediately prior to the date of the first advertisement for the public improvement.

b. If the person or entity is a resident of a state or foreign country that has a more stringent definition than is set forth in paragraph 156.2(2) “*a*” for determining whether a person or entity in that state or country is a resident bidder, then the more stringent definition applies.

156.2(3) *Determining authorization to transact business.* A person or entity is authorized to transact business in the state if one or more of the following accurately describes the person or entity:

a. In the case of a sole proprietorship, the sole proprietor is an Iowa resident for Iowa income tax purposes;

b. In the case of a general partnership or joint venture, more than 50 percent of the general partners or joint venture parties are residents of Iowa for Iowa income tax purposes;

c. In the case of a limited liability partnership which has filed a statement of qualification in this state, the statement has not been canceled;

d. In the case of a limited liability partnership whose statement of qualification is filed in a state other than Iowa, the limited liability partnership has filed a statement of foreign qualification in Iowa and a statement of cancellation has not been filed pursuant to Iowa Code section 486A.105(4);

e. In the case of a limited partnership or limited liability limited partnership whose certificate of limited partnership is filed in this state, the limited partnership or limited liability limited partnership has not filed a statement of termination;

f. In the case of a limited partnership or a limited liability limited partnership whose certificate of limited partnership is filed in a state other than Iowa, the limited partnership or limited liability limited partnership has received notification from the Iowa secretary of state that the application for certificate of authority has been approved and no notice of cancellation has been filed by the limited partnership or the limited liability limited partnership;

g. In the case of a limited liability company whose certificate of organization is filed in this state, the limited liability company has not filed a statement of termination;

h. In the case of a limited liability company whose certificate of organization is filed in a state other than Iowa, the limited liability company has received a certificate of authority to transact business in this state and the certificate has not been revoked or canceled;

i. In the case of a corporation whose articles of incorporation are filed in this state, the corporation (1) has paid all fees required by Iowa Code chapter 490, (2) has filed its most recent biennial report, and (3) has not filed articles of dissolution;

j. In the case of a corporation whose articles of incorporation are filed in a state other than Iowa, the corporation (1) has received a certificate of authority from the Iowa secretary of state, (2) has filed its most recent biennial report with the secretary of state, and (3) has neither received a certificate of withdrawal from the secretary of state nor had its authority revoked; or

k. The person or entity is registered with the Iowa division of labor as a construction contractor pursuant to Iowa Code chapter 91C.

156.2(4) *Determining if bidder has conducted business in state.* In order to determine if a bidder has a place of business for transacting business within Iowa at which it is conducting and has conducted business for at least three years prior to the date of the first advertisement of the public improvement, the bidder shall meet the following criteria for the three-year period prior to the first advertisement for the public improvement:

a. Continuously maintained a place of business for transacting business in Iowa that is suitable for more than receiving mail, telephone calls, and emails; and

b. Conducted business in the state for each of those three years and filed an Iowa income tax return, if applicable, made payments to the Iowa unemployment insurance fund, if applicable, and maintained an Iowa workers' compensation policy, if applicable, in effect for each of those three years.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.3(73A) Application of preference. When awarding a contract for a public improvement to the lowest responsible bidder, the public body shall allow a preference to a resident bidder as against a nonresident bidder that is equal to any preference given or required by the home state or foreign country in which the nonresident bidder is a resident without regard to whether such preferences are actually enforced by the applicable regulatory body in each state. If the bidder is a subsidiary of a parent that would be a nonresident bidder if such parent were to bid on the public improvement in its own name, then the public body shall allow a preference as against such bidder that is equal to the preference given or required by the home state or foreign country of the bidder's parent. In the instance of a labor force preference, a public body shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the home state or foreign country of the nonresident bidder, or the parent of a resident bidder if the parent would qualify as a nonresident bidder if such parent were to bid on the public improvement in its own name.

A preference shall not be applied to a subcontractor unless the home state or foreign country of the nonresident bidder to whom the contract was awarded would apply a preference to the subcontractor.

Specific methods of calculating and applying a preference shall mirror those that apply in the home state or foreign country of the nonresident bidder to whom the contract was awarded. In the event that the specific method used by the nonresident bidder's home state or foreign country cannot be determined, the calculation for a labor force preference shall include only the labor force working on the public improvement in Iowa on a regular basis calculated by pay period.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.4(73A) Complaints regarding alleged violations of the Act.

156.4(1) Complaints. Any person with information regarding a violation of the Act may submit a written complaint to the commissioner. Any complaint must provide the information required pursuant to subrule 156.4(2) or as much of such information as is reasonably practicable under the circumstances. The completed written complaint form shall be mailed to the commissioner at Labor Services Division, 150 Des Moines Street, Des Moines, Iowa 50309.

156.4(2) Written complaint form. The commissioner shall prepare a written complaint form that a person with information regarding a potential violation of the Act may submit pursuant to subrule 156.4(1). The written complaint form shall request the following information: the name, address, telephone number, and email address of the complainant; the name of the bidder that is believed to have violated the Act; a description of any relationships between the complainant and the bidder; an identification of the public body to which the bidder submitted a bid; the home state or foreign country of the bidder; a description of the goods and services provided under the bid; and such additional information as requested by the commissioner.

156.4(3) Availability of written complaint form. The written complaint form shall be available in all division offices and on the department of workforce development's website.

[ARC 1271C, IAB 1/8/14, effective 2/12/14; ARC 4639C, IAB 8/28/19, effective 10/2/19; ARC 5022C, IAB 4/8/20, effective 5/13/20]

875—156.5(73A) Nonresident bidder record-keeping requirements. While participating in a public improvement, a nonresident bidder from a home state or foreign country with a resident labor force preference shall make and keep, for a period of not less than three years, accurate records of all workers employed by the contractor or subcontractor on the public improvement. The records shall include each worker's name, address, telephone number if available, social security number, trade classification, and starting and ending date of employment.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.6(73A) Investigations; determination of civil penalty. The commissioner or an authorized designee shall cause an investigation to be made into charges of violations of the Act, including allegations set forth in a written complaint.

156.6(1) Investigative powers. The commissioner or the authorized designee shall have the following powers:

- a. Hearings.* The commissioner may hold hearings and investigate charges of violations of the Act.
- b. Entry into place of employment.* The commissioner may, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency, to question an employer or employee, and to investigate those facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of the Act. The commissioner shall only make an entry into a place of employment in response to a written complaint.
- c. Residency of workers.* The commissioner may investigate and ascertain the residency of a worker engaged in any public improvement in this state.
- d. Oaths; depositions; subpoenas.* The commissioner may administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing.
- e. Employment of personnel.* The commissioner may employ qualified personnel as are necessary for the enforcement of Iowa Code section 73A.21. The personnel shall be employed pursuant to the merit system provisions of Iowa Code chapter 8A, subchapter IV.
- f. Request for records.* The commissioner shall require a contractor or subcontractor to file, within 10 days of receipt of a request, any records enumerated in rule 875—156.5(73A). If the contractor or subcontractor fails to provide the requested records within 10 days, the commissioner may direct, within 15 days after the end of the 10-day period, that the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public improvement or undertook the public improvement, to withhold immediately from payment to the contractor or subcontractor up to 25 percent of the amount to be paid to the contractor or subcontractor under the terms of the contract or written instrument under which the public improvement is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records as required by this paragraph has been satisfied.

156.6(2) Division determination. Upon conclusion of an investigation, the commissioner or an authorized designee shall issue a written determination to the party that was the subject of the investigation. The determination shall indicate whether or not the division finds a violation of the Act by the party. If the determination indicates that the party engaged in a violation of the Act, the determination shall also indicate the remedies the division intends to pursue as a result of the violation.

156.6(3) Informal conference. A party seeking review of the division's determination pursuant to this rule may file a written request for an informal conference. The request must be received by the division within 15 days after the date of issuance of the division's determination. During the conference, the party seeking review may present written or oral information and arguments as to why the division's determination should be amended or vacated. The division shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the informal conference.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.7(73A) Remedies. Following the conclusion of the informal conference, or following the expiration of the time in which a party may file a written request for an informal conference, the division may pursue the following remedies.

156.7(1) Injunctive relief. If the division determines that a violation of the Act has occurred, the division may sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement.

156.7(2) Civil penalty. Any person or entity that violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed \$1,000 for each violation found in a first investigation by

the division, not to exceed \$5,000 for each violation found in a second investigation by the division, and not to exceed \$15,000 for a third or subsequent violation found in any subsequent investigation by the division. Each violation of this chapter for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the division shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violation(s). The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the division.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.8(73A) Compliance with federal law. If it is determined that application of this chapter and the Act may cause denial of federal funds which would otherwise be available for a public improvement, or would otherwise be inconsistent with requirements of any federal law or regulation, the application of this chapter shall be suspended to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

875—156.9(73A) Severability. If any rule under this chapter, any portion of a rule under this chapter, or the applicability of any rule under this chapter to any person or circumstance is held invalid by a court, the remainder of these rules or the rules' applicability to other persons or circumstances shall not be affected.

[ARC 1271C, IAB 1/8/14, effective 2/12/14]

These rules are intended to implement Iowa Code section 73A.21.

[Filed ARC 1271C (Notice ARC 1160C, IAB 10/30/13), IAB 1/8/14, effective 2/12/14]

[Filed ARC 4639C (Notice ARC 4497C, IAB 6/19/19), IAB 8/28/19, effective 10/2/19]

[Filed ARC 5022C (Notice ARC 4894C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]

WORKERS' COMPENSATION DIVISION[876]

[Prior to 9/24/86, see Industrial Commissioner[500]. Renamed Division of Industrial Services under the “umbrella” of Employment Services Department by 1986 Iowa Acts, Senate File 2175]

[Prior to 1/29/97 see Industrial Services Division[343]. Reorganized under “umbrella” of the Department of Workforce Development[871] by 1996 Iowa Acts, chapter 1186]
[Prior to 7/29/98 see Industrial Services Division[873]]

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CHAPTER 4
CONTESTED CASES

[Prior to 9/24/86 see Industrial Commissioner[500]]

[Prior to 1/29/97 see Industrial Services Division[343]]

[Prior to 7/29/98 see Industrial Services Division[873]Ch 4]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DECLARATORY ORDERS

[Prior to 9/24/86 see Industrial Commissioner[500]]

[Prior to 1/29/97 see Industrial Services Division[343]]

[Prior to 7/29/98 see Industrial Services Division[873]Ch 5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 7

PETITION FOR RULE MAKING

[Prior to 9/24/86 see Industrial Commissioner[500]]

[Prior to 1/29/97 see Industrial Services Division[343]]

[Prior to 7/29/98 see Industrial Services Division[873]Ch 7]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 9
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 1/29/97 see Industrial Services Division[343]]
[Prior to 7/29/98 see Industrial Services Division[873]Ch 9]
Rescinded **ARC 0408D**, IAB 7/8/26, effective 6/30/26

CHAPTER 12

FORMAL REVIEW AND WAIVER OF RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 13 to 2505

Reserved

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

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.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.4(17A) Electronic requests for contested case proceeding. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.5(17A) Notice of hearing. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.6(17A) Presiding officer.

2506.6(1) This subrule is not adopted.

2506.6(2) This subrule is not adopted.

2506.6(3) This subrule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.8(17A) Telephone proceeding. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.11(17A) Pleadings. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.12(17A) Electronic service and filing of pleadings and other papers.

2506.12(1) This subrule is not adopted.

2506.12(2) This subrule is not adopted.

2506.12(3) This subrule is not adopted.

2506.12(4) This subrule is not adopted.

2506.12(6) This subrule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.13(17A) Discovery. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.15(17A) Motions. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.16(17A) Prehearing conference. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.17(17A) Continuances. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.22(17A) Default. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.23(17A) Ex parte communication.

2506.23(3) This subrule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.24(17A) Recording costs. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.25(17A) Interlocutory appeals. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.27(17A) Appeals and review. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.28(17A) Applications for rehearing. This rule is not adopted.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.32(10A,17A,85) Contested cases. Contested case proceedings before the workers' compensation commissioner are:

- 2506.32(1)** Arbitration as described in Iowa Code section 10A.317.
- 2506.32(2)** Review-reopening of an award or a settlement as described in Iowa Code section 10A.317.
- 2506.32(3)** Benefits as described in Iowa Code section 85.27.
- 2506.32(4)** Death and burial benefits as described in Iowa Code sections 85.28, 85.29, and 85.31.
- 2506.32(5)** Determination of dependency as described in Iowa Code sections 85.42 through 85.44.
- 2506.32(6)** Equitable apportionment as described in Iowa Code section 85.43.
- 2506.32(7)** Second injury fund as described in Iowa Code section 85.63 et seq.
- 2506.32(8)** Vocational rehabilitation benefits as described in Iowa Code section 85.70(1).
- 2506.32(9)** Vocational training and education as described in Iowa Code section 85.70(2).
- 2506.32(10)** Approval of fees as described in Iowa Code section 10A.327.
- 2506.32(11)** Commutation as described in Iowa Code section 85.45 et seq.
- 2506.32(12)** Employee's examination as described in Iowa Code section 85.39.
- 2506.32(13)** Determination of compliance with Iowa Code chapters 10A, 85, 85A, 85B, and 87.
- 2506.32(14)** Applications for alternate medical care as described in Iowa Code section 85.27.
- 2506.32(15)** Determination of liability, reimbursement for benefits paid and recovery of interest as described in Iowa Code section 85.21.
- 2506.32(16)** Interest as described in Iowa Code section 85.30.
- 2506.32(17)** Penalty as described in Iowa Code section 10A.315.
- 2506.32(18)** Application for approval of third-party settlement as described in Iowa Code section 85.22.
- 2506.32(19)** Matters that would be a contested case if there were a dispute over the existence of material facts.
- 2506.32(20)** Any other issue determinable upon evidential hearing that is under the jurisdiction of the workers' compensation commissioner.

There shall be no hearing in contested cases pursuant to subrules 2506.32(8) through 2506.32(12) unless otherwise ordered or requested in writing by the petitioner in the original notice or petition or by the respondent within ten days following the time allowed by these rules for appearance.

This rule is intended to implement Iowa Code sections 10A.310 and 17A.2(2) and chapter 85.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.33(10A) Separate evidentiary hearing—denial or delay of benefits. Entitlement to penalty benefits for unreasonable delay, denial, or termination of benefits, as provided in Iowa Code section 10A.315, shall be pled. Discovery shall be limited to matters discoverable in the absence of such pleading unless it is bifurcated. The claimant may bifurcate the denial or delay issue by filing and serving a notice of bifurcation at any time before a case is assigned for hearing, in which case discovery on that issue may proceed only after the final decision of the agency on all other issues.

This rule is intended to implement Iowa Code sections 10A.315, 10A.319, and 10A.321.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.34(10A,85,85A,85B,87) Compliance proceedings. If the workers' compensation commissioner shall have reason to believe that there has not been compliance with the workers' compensation law by any person or entity, the workers' compensation commissioner may on the workers' compensation commissioner's own motion give notice to the person or entity and schedule a hearing for the purpose of determining whether there has been compliance by the person or entity. The notice shall state the time and place of the hearing and a brief statement of the matters to be considered. The notice of hearing may be given by ordinary mail or by Workers' Compensation Electronic System (WCES) if the alleged noncompliant person or entity is registered in WCES and is currently participating in a contested case using WCES and may be given to the insurer for the employer in lieu of the employer as permitted by Iowa Code section 87.10 if the insurer has filed a report, pleading or motion that acknowledges that it is the insurer for the claim at issue. Following the hearing, the workers' compensation commissioner or a deputy workers' compensation commissioner may issue a finding regarding compliance. In the event a failure to comply is found, the workers' compensation commissioner may impose sanctions in accordance with Iowa Code section 10A.314, 10A.315 or 10A.316 or order compliance within a specified time and under specified circumstances. The workers' compensation commissioner may file a certified copy of the order in an appropriate district court and may file a certified copy of the order with the Iowa insurance division of the department of insurance and financial services with a request for action by the insurance division upon failure to comply with the order. Nothing in this rule shall prevent the workers' compensation commissioner from conducting an informal conference with any person or entity concerning problems of compliance prior to the initiation of a compliance proceeding.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.35(10A,85,85A,85B,87) Commencement by the workers' compensation commissioner. In addition to an aggrieved party, the workers' compensation commissioner may initiate proceedings under subrule 2506.32(10). The proceeding may be held before a deputy workers' compensation commissioner or the workers' compensation commissioner. The workers' compensation commissioner shall be the only person to commence a proceeding under subrule 2506.32(14) unless such authority is specifically delegated by the workers' compensation commissioner to a deputy workers' compensation commissioner concerning a specific matter.

This rule is intended to implement Iowa Code chapters 10A, 85 through 85B, and 87.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.36(10A,17A,85) Original notice and petition. A petition or application must be delivered or filed with the original notice unless original notice Form 100, Form 100A, Form 100B, or Form 100D of the workers' compensation division is used.

2506.36(1) The original notice Form 100, Form 100A, Form 100B, Form 100C, Form 100D, or a determination of liability reimbursement for benefits paid and recovery of interest form shall provide for the data required in Iowa Code section 17A.12(2) and shall contain factors relevant to the contested case proceedings listed in rule 876—2506.32(10A,17A,85).

- a. Form 100 is to be used for all contested case proceedings except as indicated in this rule.
- b. Form 100A is to be used for the contested case proceedings provided for in subrule 2506.32(12).
- c. Form 100B is to be used for the contested case proceeding provided for in subrule 2506.32(8).
- d. Form 100C is to be used for the contested case proceeding provided for in rules 876—2506.62(10A) and 876—2506.65(10A,17A,85).
- e. Form 100D is to be used for the contested case proceeding provided for in rule 876—2506.67(10A,17A,85).
- f. The application and consent order for payment of benefits under Iowa Code section 85.21 is to be used for contested case proceedings brought under Iowa Code section 85.21.
- g. When a commutation is sought, Form No. 14-0013 or Form No. 14-0017 must be filed in addition to any other document.

h. The petition for declaratory order, approval of attorney fees, determination of compliance and other proceedings not covered in the original notice forms must accompany the original notice.

2506.36(2) At the same time and in the same manner as service of the original notice and petition, the claimant shall serve a patient's waiver using Form 14-0043 (authorization for release of information regarding claimants seeking workers' compensation benefits), or a substantially equivalent form, which shall not be revoked until conclusion of the contested case. The claimant shall provide the patient's waivers in other forms and update the patient's waivers as necessary to permit full disclosure of discoverable information whenever requested by a medical practitioner or institution.

2506.36(3) A separate original notice and petition shall be filed for each claim that seeks benefits due to the occurrence of an injury, occupational disease or occupational hearing loss.

a. The original notice and petition shall allege a specific date of occurrence consisting of a day, month and year.

b. Alternate or multiple dates of occurrence may be alleged in the same original notice and petition if the claim or claims arose from the same occurrence or series of occurrences and uncertainty exists concerning the correct date of occurrence or the number of occurrences.

c. An employee may join any number of employers or insurance carriers in the same original notice and petition if the claim is made against them jointly, severally or in the alternative. The remedy for misjoinder must be requested by motion within a reasonable time after the grounds become known, but in no event later than the claimant's case preparation completion date.

d. All remedies will be applied without prejudice to any claim or defense.

e. In addition to the remedies contained in Iowa Rule of Civil Procedure 1.236, the workers' compensation commissioner may order that parts of a claim be severed and proceeded with separately or that separate related claims be joined or consolidated for administrative convenience or for any good cause. If a correction is ordered but not made by a date specified in the order, the original notice and petition may be dismissed without further notice. If the correction is made within the specified time, the correction relates back to the date of the initial filing for purposes of the statute of limitations.

This rule is intended to implement Iowa Code chapter 10A and sections 17A.12, 85.27, 85.45, and 85.48.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.37(17A,85) Delivery of notice, orders, rulings and decisions. Delivery of the original notice shall be made by the petitioning party as provided in Iowa Code section 17A.12(1), except that a party may deliver the original notice on a nonresident employer as provided in Iowa Code section 85.3. A proposed or final decision, order or ruling may be delivered by the workers' compensation division to any party by regular mail, by email or by WCES. Filing of a notice, ruling and decision in WCES is the official filing and start of any appeal or motion deadline.

This rule is intended to implement Iowa Code sections 17A.12 and 85.3.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.38(17A) Filing of notice.

2506.38(1) A contested case is commenced by filing the original notice and petition with the workers' compensation commissioner. No action shall be taken by the workers' compensation commissioner on any contested case against an adverse party unless the adverse party has answered or unless it can be shown by proper proof that the adverse party has been properly served. The original notice and petition if required by rule 876—2506.36(10A,17A,85) shall be accompanied by proof that the petitioner has deposited copies of such documents with the U.S. post office for delivery by certified mail, return receipt requested, upon the respondent or has submitted such copies to a proper person for delivery of personal service as in civil actions.

2506.38(2) Filing fee.

a. For all original notices and petitions for arbitration or review-reopening relating to weekly benefits filed on account of each injury, occupational disease or occupational hearing loss alleged, a filing fee shall

be paid at the time of filing. The filing fee for petitions is \$125. No filing fee is due for the filing of other actions where the sole relief sought is one of the following or a combination of any of them:

- (1) Medical and other benefits under Iowa Code section 85.27;
- (2) Burial benefits under Iowa Code section 85.28;
- (3) Determination of dependency under Iowa Code sections 85.42 through 85.44;
- (4) Equitable apportionment under Iowa Code section 85.43;
- (5) Second injury fund under Iowa Code sections 85.63 through 85.69;
- (6) Vocational rehabilitation benefits under Iowa Code section 85.70(1);
- (7) Vocational training and education benefits under Iowa Code section 85.70(2);
- (8) Approval of legal, medical and other fees under Iowa Code section 10A.327;
- (9) Commutation under Iowa Code sections 85.45, 85.47 and 85.48;
- (10) Employee's examination under Iowa Code section 85.39;
- (11) Employee's examination or sanctions under Iowa Code section 85.39;
- (12) Application for alternate care under Iowa Code section 85.27;
- (13) Determination of liability, reimbursement for benefits paid and recovery of interest under Iowa Code section 85.21;
- (14) Interest under Iowa Code section 85.30;
- (15) Penalty under Iowa Code section 10A.315(4);
- (16) Application for approval of third-party settlement under Iowa Code section 85.22; and
- (17) Petitions for declaratory orders or petitions for interventions. An amendment to a petition that alleges an additional or alternate date of occurrence does not require payment of an additional filing fee if a filing fee was paid when the petition was filed.

b. A filing fee shall be required for each original notice and petition filed as required in paragraph 2506.38(2)“*a.*” If a party overpays a filing fee, the party may receive a refund. The party who made the overpayment must request a refund before June 1 of the fiscal year in which the overpayment occurred.

c. If no filing fee is paid at the time of filing of the original notice and petition, the workers' compensation commissioner shall return the original notice and petition to the party filing it. Filing an original notice and petition without paying the fee shall not toll the statute of limitations. Tendering an amount less than required will be considered failure to pay a filing fee.

d. The filing fee may be taxed as a cost to the losing party in the case. If the filing fee would impose an undue hardship or be unjust in the circumstances for the losing party, the filing fee may be taxed as costs to the winning party in the case. More information can be found in rule 876—2506.59(10A).

e. The filing fee shall be paid at the same time the petition is filed. The filing fee shall be paid electronically with a credit card, via automated clearing house (ACH), or by other electronic means as allowed by WCES unless an order granting permission for nonelectronic payment has been issued. If an order granting permission for nonelectronic payment has been issued, the party filing the petition shall issue a check payable to the “Iowa Workers' Compensation Division.” If the payment of the filing fee is made by an account with insufficient funds or the payment is stopped or the payment is otherwise not honored, it will be treated as a failure to pay the correct filing fee. More information can be found in paragraph 2506.38(2)“*c.*” Nonelectronic payment will not be accepted without an order granting permission for nonelectronic payment. The statute of limitations is not tolled if a party has requested nonelectronic payment and is awaiting an order.

f. The workers' compensation commissioner may accept for filing an original notice and petition without prepayment of the filing fee if in the discretion of the workers' compensation commissioner the petitioner is unable to pay the fee at the time of filing. A deferral of payment of the filing fee shall only be granted upon written application by the petitioner. The application shall be filed at the same time the original notice and petition is filed. The application shall be in the form required by the workers' compensation commissioner and shall include an affidavit signed by the petitioner. When payment of the filing fee is deferred, provisions for payment of the filing fee must be included in any settlement submitted to the workers' compensation commissioner for approval or taxed as costs. When the application for deferral of payment of the filing fee is denied, the filing fee shall be paid as ordered. More information can

be found in paragraph 2506.38(2) "c." The form for the application deferral of prepayment of fees (Form No. 14-0075) shall not be filed using WCES. The document shall be filed in paper form. If the request for deferral of fees is granted, a claim will be established in WCES. Parties to the claim shall use WCES for future filings unless a party has been granted a waiver of the mandatory use of WCES.

g. Parties shall use the payment gateway in WCES to pay filing fees unless an order has been issued allowing deferral of the payment of the filing fee or payment outside of WCES. In addition to the filing fee, the parties shall pay the convenience fee charged by the financial institution that is processing payment for WCES. This cost may be recoverable under rule 876—2506.59(10A).

This rule is intended to implement Iowa Code section 17A.12.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.39(17A) Appearance and responses, pleadings, motions and settlements. Appearances and responses to pleadings and motions shall be made in WCES. Registration with the division of workers' compensation's WCES is required. Registration is accepted at efile.iowaworkcomp.gov. After a matter has been commenced and the respondent has been served with an original notice and filed an answer or appearance, subsequent filings or submissions in WCES do not require proof of service to parties of record who are registered with WCES. If a party has been granted a waiver of the mandatory use of WCES, the party shall include a proof of service for all parties of record. Attorneys will need to use the AT pin or pro hac vice pin assigned by the Iowa Supreme Court to be associated with a case in WCES. When an attorney is not representing a party, the employer or insurance carrier or the employer's or insurance carrier's agent or claimant shall register in WCES to file the settlement or medical data pursuant to 876—subrule 3.1(2). The filer will receive a status update for the information the filer submits based upon the status the filer selects when registering in WCES.

2506.39(1) Motions. Motions attacking a pleading must be served before responding to a pleading or, if no responsive pleading is required, upon motion made by a party within 20 days after the service of the pleading on such party.

2506.39(2) Time after motions attacking pleadings and special appearances. If a motion attacking a pleading is so disposed of as to require further pleading, such further pleading shall be served within ten days after notice of the action of the workers' compensation commissioner or deputy workers' compensation commissioner. If the further pleading requires a response, the response shall be filed within ten days after service of the further pleading.

2506.39(3) Form, submission and ruling on motions.

a. All motions, including pre-answer motions and motions for summary judgment, shall have appended to them a concise memorandum brief and argument. All motions except motions for summary judgment shall be deemed submitted without hearing on the record presented on the tenth day following filing. Motions for summary judgment shall be deemed submitted as provided in Iowa Rule of Civil Procedure 1.981. Resistances to motions shall have appended to them a concise memorandum brief and argument and shall be filed on or before the date of submission. Briefs and arguments are waived unless appended to the motion or resistance.

b. An order may be entered consolidating any motion for ruling with the hearing of the contested case. Any party desiring a ruling on a motion prior to the hearing may concisely set forth the necessity of prior ruling in the motion, application or resistance. If a pre-answer motion alleging lack of jurisdiction is overruled or consolidated with hearing of the contested case, the party shall plead to the merits and proceed to hearing of the contested case without submitting to the jurisdiction of the workers' compensation commissioner. If a motion attacking a pleading is consolidated with hearing of the contested case, the party shall respond to the pleading in the same manner as if the motion had been overruled.

2506.39(4) Withdrawal of counsel.

a. Counsel may withdraw if another counsel has appeared or if the client's written consent accompanies the withdrawal.

b. Under all other circumstances, counsel may withdraw only upon the order of the workers' compensation commissioner after making written application. Counsel shall give the client written notice

that the client has the right to object to the withdrawal by filing written objections and a request for a hearing to the Workers' Compensation Division, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, within ten days following the date the notice was mailed or personally delivered to the client. The client's response does not need to be filed in WCES but may be mailed or delivered to the division. Counsel's application shall be accompanied by proof that a copy of the application and notice was sent by certified mail addressed to the client's last-known address or was delivered to the client personally. If no objections are timely filed, the withdrawal will become effective when approved by the workers' compensation commissioner. If objections are timely filed, a hearing on the application will be held. No withdrawal under this subrule will be effective without the approval of the workers' compensation commissioner. The filing of an application to withdraw stays all pending matters until a ruling is made on the application.

2506.39(5) *Pro hac vice.* An out-of-state attorney desiring to appear *pro hac vice* in an Iowa workers' compensation division case is required to access the office of professional regulation (OPR)/supreme court commissions (SCC) website, submit certain personal information to complete pertinent fields in the lawyer database, and pay a fee that will be deposited in the client security trust fund. The registration and fee payment allow the attorney to apply to appear *pro hac vice* in Iowa division of workers' compensation cases, subject to the limits and requirements of Iowa Court Rule 31.14, for a period of up to five years from the date of registration. Attorneys who register and pay the fee appear in the OPR/SCC database with the status of "*pro hac vice*." The Iowa division of workers' compensation will request from the Iowa courts that a *pro hac vice* number be issued and will provide that number to the out-of-state attorney for registration with WCES. The affiliated in-state attorney shall file in WCES the application to appear *pro hac vice* completed by the out-of-state attorney using a pleading that is substantially similar to Iowa Court Rule 31.25—Form 1.

This rule is intended to implement Iowa Code section 17A.12.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.40(10A,87) Insurance carrier as a party. Whenever any insurance carrier shall issue a policy with a clause in substance providing that jurisdiction of the employer is jurisdiction of the insurance carrier, the insurance carrier shall be deemed a party in any action against the insured.

This rule is intended to implement Iowa Code chapter 10A and section 87.10.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.41(17A) Signatures on documents and papers. All documents and papers required by these rules, the Iowa Rules of Civil Procedure as applicable, or a statutory provision shall be signed by the party if unrepresented or the party's attorney if represented. The party's signature in addition to the attorney's signature shall be necessary only when otherwise required by these rules, the Iowa Rules of Civil Procedure as applicable, and any statutory provision. Iowa R. Elec. P. 16.305 concerning signatures is applicable to WCES.

This rule is intended to implement Iowa Code section 17A.12.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.42(10A,17A) Service on parties. Any document or paper not delivered under rules 876—2506.36(10A,17A,85) and 876—2506.37(17A,85) which is to be filed and seeks relief from or action against another party, or which has any significant effect on any contested case, shall be served on each party of record under rule 876—2506.43(10A,17A).

This rule is intended to implement Iowa Code sections 10A.319 and 17A.12.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.43(10A,17A) Method of service.

2506.43(1) Except as provided in rules 876—2506.36(10A,17A,85) and 876—2506.37(17A,85), service of all documents and papers to be served according to this chapter or otherwise upon a party represented by an attorney shall be made upon the attorney unless service upon the party is ordered by the workers' compensation commissioner or deputy workers' compensation commissioner.

2506.43(2) Service upon the attorney or party shall be made using WCES once a party or party's attorney has registered in WCES for the claim being contested. If a party has been granted a waiver of the mandatory use of WCES or if a party or attorney has not appeared in WCES, service upon the attorney or party shall be made by delivery of a copy or mailing a copy to the last-known address of the attorney or party or, if no address is known, by filing a copy with the division of workers' compensation.

2506.43(3) Delivery of a copy within this rule means:

- a. Handing it to the attorney or party;
- b. Leaving it at the office of the attorney or party's office or with the person in charge of the office, or if there is no one in charge of the office, leaving it in a conspicuous place in the office, or if the office is closed or the person to be served has no office, leaving it at the person's dwelling house, or usual place of abode with some person of suitable age and discretion who is residing at the dwelling or abode;

2506.43(4) Service by mail under this rule is complete upon mailing.

2506.43(5) Documents that are served on a party for discovery and medical evidence under rules 876—2506.44(10A) and 876—2506.47(10A) shall not be filed with the division of workers' compensation.

2506.43(6) No documents or papers referred to in this rule shall be served by the workers' compensation commissioner.

This rule is intended to implement Iowa Code sections 10A.319 and 17A.12.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.44(10A) Filing of documents and papers. All documents and papers required to be served on a party under rule 876—2506.42(10A,17A) shall be filed with the workers' compensation commissioner either before service or within a reasonable time thereafter. No deposition, notice of deposition, notice of requests for discovery, notice of responses to requests for discovery, and notice of medical records and reports required to be served by rule 876—2506.46(10A) shall be filed with or accepted for filing in WCES unless ordered by the workers' compensation commissioner or a deputy workers' compensation commissioner, or its use becomes otherwise necessary in the action, in which case it shall be attached to the relevant motion or response to the motion requiring its use, or unless offered as evidence at hearing of the contested case.

This rule is intended to implement Iowa Code section 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.45(10A) Proof of service. Proof of service of all documents and papers to be served on another party under rule 876—2506.42(10A,17A) shall be filed with the division of workers' compensation promptly and, in any event, before action is to be taken thereon by the workers' compensation commissioner or a deputy workers' compensation commissioner or any party unless a responsive pleading has been filed. Proof shall be made by filing the document in WCES when another party is registered in WCES for that claim. If a party or a party's attorney or representative is not in WCES for the claim being contested, the proof shall show the date and manner of service and may be by written acknowledgment of service, by certification of a member of the bar of this state, by affidavit of the person who served the papers, or by any other proof satisfactory to the workers' compensation commissioner.

This rule is intended to implement Iowa Code section 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.46(10A) Service of records and reports.

2506.46(1) Each party to a contested case shall serve all records received pursuant to a patient's waiver (Form 14-0043—authorization for release of information regarding claimants seeking workers' compensation benefits) and medical records and reports concerning the injured worker in the possession of the party upon each opposing party not later than 20 days following filing of an answer or, if not then in possession of a party, within 10 days of receipt.

- a. Medical records and reports are records of medical practitioners and institutions concerning the injured worker.

b. Medical practitioners and institutions include physicians, physician associates, surgeons, osteopathic physicians and surgeons, chiropractors, dentists, nurses, podiatrists, psychiatrists, psychologists, counselors, hospitals, clinics, persons engaged in physical or vocational rehabilitation or evaluation for rehabilitation, and all other practitioners of the healing arts or sciences and all other institutions in which the healing arts or sciences are practiced.

2506.46(2) Each party shall serve a notice accompanying the records and reports identifying the records and reports served by the name of the practitioner or institution or other source and date of the records and reports and, if served later than 20 days following filing of the answer, stating the date when the records and reports were received by the party serving them. Pursuant to rule 876—2506.44(10A), the notice and records and reports shall not be filed with the workers' compensation commissioner.

2506.46(3) A party failing to comply with the provisions of this rule shall, if the failure is prejudicial to an opposing party, be subject to the provisions of rule 876—2506.62(10A). This rule does not require a party to serve any record or report that was previously served by another party in a contested case proceeding. Compliance with this rule does not automatically permit a record or report to be received into evidence if the record or report was not served prior to an applicable deadline established by rule or order for completing discovery or service of exhibits.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.47(10A) Medical evidence and discovery. Discovery in workers' compensation proceedings is governed by the rules of civil procedure pursuant to rule 876—2506.61(10A,17A). Any relevant medical record or report served upon a party in compliance with these rules prior to any deadline established by order or rule for service of the records and reports shall be admissible as evidence at hearing of the contested case unless otherwise provided by rule. Any party against which a medical record or report may be used shall have the right, at the party's own initial expense, to cross-examine by deposition the medical practitioner producing the record or report and the deposition shall be admissible as evidence in the contested case.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.48(10A) Prehearing procedure.

2506.48(1) Prehearing procedure in contested cases shall be administered in accordance with these rules and the orders issued by the workers' compensation commissioner or a deputy workers' compensation commissioner.

2506.48(2) Counsel of record and pro se litigants have a duty to exercise reasonable diligence to bring the contested case to hearing at the earliest reasonable opportunity.

2506.48(3) The following time limits govern prehearing procedure, completion of discovery and case management in contested cases, except proceedings under rules 876—2506.64(10A,17A,85) and 876—2506.65(10A,17A,85) and except when otherwise ordered by the workers' compensation commissioner or a deputy workers' compensation commissioner.

a. Within 120 days, but not less than 60 days, following the filing of a petition, the counsel of record for all parties and all pro se litigants shall utilize WCES scheduling procedures to request an available hearing time slot consistent with the presiding deputy commissioner's hearing schedule. Claimant has primary responsibility for initiating the contact. The parties shall identify the case by file number and the names of the parties and request that the hearing be set at a specific date, place and time that is shown to be available on the hearing scheduler published on the division's website. Primary and backup times must be requested for hearings in venues other than Des Moines. When the contact is made by email, a copy of the request shall be sent to each opposing party, and the hearing administrator will reply indicating whether or not the case is assigned at the time requested. If a request is denied, the parties shall continue to contact the hearing administrator by telephone or email until the case is scheduled or a prehearing conference is ordered. A joint scheduling contact may be initiated by any party at any other time agreeable to the parties. If more than 120 days have elapsed since the petition was filed, any party may move to schedule

the hearing at a particular date, time and place that is available, and the hearing administrator may assign the case for hearing at that date, time and place. The hearing date shall be within 12 months following the date the petition was filed or as soon thereafter as reasonably practicable as determined by the hearing administrator. If the parties fail to schedule the hearing with the hearing administrator, the case will be scheduled at the discretion of the hearing administrator without prior notice to the parties.

b. A party who intends to introduce evidence from an expert witness, including a rebuttal expert witness, shall certify to all other parties the expert's name, subject matter of expertise, qualifications, and a summary of the expert's opinions within the following time period:

- (1) Claimant—120 days before hearing;
- (2) Employer/second injury fund of Iowa—90 days before hearing;
- (3) Rebuttal—60 days before hearing.

Certification is not required to introduce evidence from an examining physician pursuant to Iowa Code section 85.39, a treating physician, or a vocational consultant if the expert witness is known by all parties to have personally provided services to the claimant and the witness's reports are served on opposing parties prior to the date when certification is required. The parties may alter these times by written agreement.

c. Discovery responses must be supplemented as required in Iowa Rules of Civil Procedure 1.503(4) and 1.508(3) and shall be supplemented within 20 days after a party requests supplementation. All discovery responses, depositions, and reports from independent medical examinations shall be completed and served on opposing counsel and pro se litigants at least 30 days before hearing. The parties may alter these times by written agreement.

d. At least 30 days before hearing, counsel of record and pro se litigants shall serve a witness list and exhibit list on all opposing counsel and pro se litigants and exchange all intended exhibits that were not previously required to be served.

(1) The witness list shall name all persons, except the claimant, who will be called to testify at the hearing or who will be deposed prior to the hearing in lieu of testifying at the hearing.

(2) The exhibit list must specifically identify each exhibit in a way that permits the opposing party to recognize the exhibit.

(3) The description for a document should include the document's date, number of pages and author or source.

(4) Exhibits that were specifically identified when served pursuant to rule 876—2506.46(10A) or in a discovery response may be collectively identified by describing the service (e.g., "exhibits described in the notices served pursuant to rule 876—2506.46(10A) on May 7, June 11 and July 9, 2004"). Blanket references, such as "all medical records," "personnel file" or "records produced during discovery," do not specifically identify an exhibit.

(5) A party may serve a copy of the actual intended exhibits in lieu of an exhibit list.

(6) Evidentiary depositions pursuant to Iowa Code section 10A.319(2) may be taken at any time before the hearing in lieu of the witness testifying at the hearing.

e. At least 14 days before the hearing, the parties shall file proposed hearing exhibits.

(1) The proposed joint exhibits shall not exceed 100 pages. The proposed claimant's exhibits shall not exceed 50 pages.

(2) The proposed defendants' exhibits shall not exceed 50 pages.

(3) The workers' compensation commissioner or a deputy workers' compensation commissioner may, upon a showing of good cause, allow proposed hearing exhibits in excess of the page limits mentioned herein.

2506.48(4) If evidence is offered at hearing that was not disclosed in the time and manner required by these rules, as altered by order of the workers' compensation commissioner or a deputy workers' compensation commissioner or by a written agreement by the parties, the evidence will be excluded unless the offering party demonstrates good cause for failure to comply with the rules or order. Sanctions may be imposed pursuant to rule 876—2506.62(10A) in addition to or in lieu of exclusion if exclusion is not an effective remedy for the prejudice.

2506.48(5) Counsel and pro se litigants shall prepare a hearing report that defines the claims, defenses, and issues that are to be submitted to the deputy commissioner who presides at the hearing. The hearing report shall be signed by all counsel of record and pro se litigants and submitted to the deputy workers' compensation commissioner when the hearing commences.

2506.48(6) Jurisdictional deadlines, including but not limited to any applicable statute of limitations, cannot be extended. It is each party's responsibility to ensure that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of WCES, will not excuse a failure to comply with a jurisdictional deadline.

2506.48(7) A party is not excused from missing a jurisdictional or nonjurisdictional filing deadline because of problems attributable to the party.

This rule is intended to implement Iowa Code chapter 10A.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.49(10A) Prehearing conference. A deputy workers' compensation commissioner or the workers' compensation commissioner may order parties in the case to either appear before the workers' compensation commissioner or a deputy workers' compensation commissioner for a conference, or communicate with the workers' compensation commissioner or a deputy workers' compensation commissioner and with each other in any manner as may be prescribed to consider, so far as applicable to the particular case:

2506.49(1) The necessity or desirability of amending pleadings by formal amendment or prehearing order;

2506.49(2) Agreeing to admissions of facts, documents or records not really controverted, to avoid unnecessary proof;

2506.49(3) Limiting the number of witnesses;

2506.49(4) Settling any facts of which the workers' compensation commissioner or a deputy workers' compensation commissioner is to be asked to take official notice;

2506.49(5) Stating and simplifying the factual and legal issues to be determined;

2506.49(6) Specifying the items and amounts of compensation claimed;

2506.49(7) Specifying all proposed exhibits and proof thereof;

2506.49(8) Consolidation of cases and bifurcation of issues;

2506.49(9) Specifying all witnesses expected to testify;

2506.49(10) Possibility of settlement;

2506.49(11) Filing of advance briefs, if any;

2506.49(12) Setting or altering dates for completion of discovery or completion of medical evidence by each party;

2506.49(13) Any other matter which may facilitate, expedite, or simplify any contested case.

This rule is intended to implement Iowa Code sections 10A.318 and 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.50(10A) Prehearing conference record. At the request of any attorney in the case, or at the discretion of a deputy workers' compensation commissioner or the workers' compensation commissioner, the entire prehearing conference or any designated part thereof shall be recorded and the cost of the reporter shall be assessed to the requesting party or, if directed by the workers' compensation commissioner or deputy workers' compensation commissioner, assessed as costs.

This rule is intended to implement Iowa Code sections 10A.318 and 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.51(10A) Assignment for hearing. Contested cases shall be set for hearing within the discretion of the workers' compensation commissioner as soon as practicable after the parties have had adequate opportunity to prepare for hearing. A party may request in writing that no hearing in a contested case be held until such time as specified matters have been accomplished or specified events have occurred. Continuances of hearings in contested cases shall be granted only by the workers' compensation

commissioner or the commissioner's designee. Continuances are governed by Iowa Rules of Civil Procedure 1.910 through 1.912. Requests for continuance shall also state in detail the reasons for the request and whether the opposing party accedes to the request. Defendants shall promptly notify the workers' compensation commissioner of settlements.

This rule is intended to implement Iowa Code sections 10A.310 and 10A.319.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.52(10A,17A,85,85A,85B) Rehearing. Any party may file an application for rehearing of a proposed decision in any contested case by a deputy workers' compensation commissioner or a decision in any contested case by the workers' compensation commissioner within 20 days after the issuance of the decision. If a party has been allowed to file not using WCES or a party to the claim is not in WCES, a copy of such application shall be timely mailed by the applicant to all parties of record not joining therein. An application for rehearing shall be deemed denied unless the deputy commissioner or workers' compensation commissioner rendering the decision grants the application within 20 days after its filing. For purposes of this rule, motions or requests for reconsideration or new trial or retrial or any reexamination of any decision, ruling, or order shall be treated the same as an application for rehearing.

This rule is intended to implement Iowa Code chapters 10A, 17A, and 85 through 85B.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.53(10A,17A) Appeal when rehearing requested. An appeal to or a review on a motion of the workers' compensation commissioner must be filed within 20 days after the application for rehearing of a proposed decision by a deputy workers' compensation commissioner under rule 876—2506.52(10A,17A,85,85A,85B) has been denied or deemed denied or a decision on rehearing has been issued. If a notice of appeal is filed by one party and an application for rehearing is filed by a different party, the deputy retains jurisdiction to act on the application for rehearing, and the notice of appeal is stayed and deemed to have been filed on the day after the application for rehearing is denied or deemed denied or the decision on rehearing is issued.

This rule is intended to implement Iowa Code sections 10A.321, 17A.15, and 17A.16.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.54(10A,17A) Appeal.

2506.54(1) Except as provided in rules 876—2506.33(10A) and 876—2506.53(10A,17A), an appeal to the commissioner from a decision, order or ruling of a deputy commissioner in contested case proceedings shall be commenced within 20 days of the filing of the decision, order or ruling by filing a notice of appeal with the workers' compensation commissioner. If two or more contested cases were consolidated for hearing, the notice of appeal shall specify which of the contested cases are being appealed. The date the notice of appeal is filed shall be the date the notice of appeal is received by the agency. The notice shall be served on the opposing parties as provided in rule 876—2506.43(10A,17A). An appeal shall be heard in Polk County or in any location designated by the workers' compensation commissioner.

2506.54(2) An interlocutory decision, order or ruling can be appealed only as hereinafter provided. A decision, order or ruling is interlocutory if, when issued, it does not dispose of all issues in the contested case that are ripe for adjudication. If the sole issue remaining for determination is claimant's entitlement to additional compensation for unreasonable denial or delay of payment pursuant to Iowa Code section 10A.315, the decision is not interlocutory. An adjudication that awards ongoing payments of weekly compensation under Iowa Code section 85.33 or 85.34(1) is not interlocutory. The workers' compensation commissioner may, upon application from any party or on the commissioner's own motion, and upon such terms as the commissioner orders, grant an appeal from an interlocutory decision, order or ruling if the commissioner finds that the ruling affects substantial rights, that the ruling will materially affect the final decision and that determination of the correctness of the ruling will better serve the interests of justice.

2506.54(3) A cross-appeal may be taken under this rule or rule 876—2506.53(10A,17A) in the same manner as an appeal within the 20 days for the taking of an appeal or within 10 days after filing of the appeal, whichever is later.

This rule is intended to implement Iowa Code sections 10A.321 and 17A.15.
[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.55(10A) Briefing requirements on appeal.

2506.55(1) The workers' compensation commissioner shall decide an appeal upon the record submitted to the deputy workers' compensation commissioner unless the workers' compensation commissioner is satisfied that additional newly discovered material evidence exists, which could not have been discovered and produced at the hearing with reasonable diligence. A party must file a request for taking additional evidence in WCES within 20 days after the notice of appeal was filed. If a party has been granted a waiver of the mandatory use of WCES, the party shall file the request for taking additional evidence with the division of workers' compensation and serve a copy on the other parties. Any briefs required or allowed by this rule shall be filed promptly following service. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence.

2506.55(2) Time for serving briefs. An appellant shall serve the appellant's brief within 50 days after the date on which the notice of appeal was filed, or within 20 days after the filing of the hearing transcript, whichever date is later. An appellee shall serve the appellee's brief within 20 days after service of the brief of the appellant. If the appellant serves a reply brief, it shall be done within 10 days after service of the appellee's brief.

2506.55(3) Cross-appeals. In the event of a cross-appeal, an appellee (cross-appellant) shall serve the appellee's brief within 20 days after service of the brief of an appellant. The appellant (cross-appellee) shall serve the appellant's responsive reply brief within 20 days after service of the brief of the appellee. The appellee (cross-appellant) may serve a reply brief within 10 days after service of the appellant's reply brief. When more than one party appeals, the party filing the first notice of appeal will be designated the appellant and the party filing a subsequent notice of appeal will be designated the cross-appellant.

2506.55(4) Multiple adverse parties. In cases involving multiple appeals involving multiple claimants, employers, insurance carriers or the second injury fund, the workers' compensation commissioner shall enter an order establishing a briefing schedule.

2506.55(5) Form of briefs. Respective briefs and exceptions on appeal shall include the following:

- a. Statement of the case.
- b. Statement of the issues on appeal.
- c. An argument corresponding to the separately stated issues and contentions of an appellant with respect to the issues presented and reasons for them, with specific reference to the page or pages of the transcript that are material to the issues on appeal.
- d. A short conclusion stating the precise relief sought.

An appellee may submit a brief on appeal replying to the issues presented by the appellant unless a cross-appeal is made in which case the brief of the appellee shall contain the issues and argument involved in the cross-appeal as well as the response to the brief of the appellant.

2506.55(6) Length of briefs. More information can be found in rule 876—2506.63(10A,17A).

2506.55(7) Extensions. One extension of up to 30 days will be granted if a motion to extend the time is served on or before the date service of the brief that is required by this rule. A subsequent extension requires a motion showing good cause. The commissioner may grant a party the right to serve and file a brief after the time to do so has expired if the appeal or cross-appeal has not been dismissed or decided, the party moves for relief within 60 days from the date service of the brief was due, and the motion shows that the failure to timely serve the brief was due to a good cause that could not have been avoided through the exercise of reasonable diligence.

2506.55(8) Issues considered on appeal. The appeal will consider the issues presented for review by the appellant and cross-appellant in their briefs and any issues necessarily incident to or dependent upon the issues that are expressly raised, except as provided in rule 876—2506.56(10A,17A). An issue will not be considered on appeal if the issue could have been but was not presented to the deputy workers' compensation commissioner. An issue raised on appeal is decided de novo and the scope of the issue is

viewed broadly. If the ruling from which the appeal was taken made a choice between alternative findings of fact, conclusions of law, theories of recovery or defenses and the alternative selected in the ruling is challenged as an issue on appeal, de novo review includes reconsideration of all alternatives that were available to the deputy workers' compensation commissioner.

2506.55(9) Sanctions. If an appellant's brief or cross-appellant's brief is not served and filed within the time required by this rule, including any extension, the party defending against the appeal or cross-appeal may move for dismissal. If an appellant's brief or cross-appellant's brief is not served within 30 days after the time required by these rules, including any extension, the workers' compensation commissioner will notify the party in default that upon 15 days from service of the notification the appeal or cross-appeal will be dismissed for want of prosecution unless the default is remedied within that period. If the default is not remedied, the appeal or cross-appeal will be dismissed. If an appellee's brief or a cross-appellee's brief is not served and filed, the appeal will be decided without reference to that brief.

This rule is intended to implement Iowa Code section 10A.321.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.56(10A,17A) Review upon motion. Except as provided in rule 876—2506.53(10A,17A), the workers' compensation commissioner may review the decision, order or ruling of a deputy workers' compensation commissioner in any contested case upon the workers' compensation commissioner's own motion. Except as provided in rule 876—2506.53(10A,17A), the motion to review a decision, order or ruling in all contested cases must be filed within 20 days of the filing of the decision, order or ruling. The workers' compensation commissioner shall specify in a notice filed in WCES or mailed to the parties by certified mail, return receipt requested, on the date of filing of the motion the issues to be reviewed and the additional evidence, if any, to be obtained by the parties. The hearing under this rule shall be heard in Polk County or in any locality designated by the workers' compensation commissioner.

This rule is intended to implement Iowa Code sections 10A.321 and 17A.15.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.57(10A,17A) Transcript on appeal or review. When an appeal to or a review on a motion of the workers' compensation commissioner is taken pursuant to rule 876—2506.54(10A,17A) or 876—2506.56(10A,17A), a transcript of the proceedings before the workers' compensation commissioner shall be filed with the workers' compensation commissioner within 30 days after the notice of the appeal is filed with the workers' compensation commissioner. The appealing party shall bear the initial cost of transcription on appeal and shall pay the certified shorthand reporter or service for the transcript. In the event there is a cross-appeal, the appellant and cross-appellant shall share the cost of the transcript. In the event the cost of the transcript has been initially borne by a nonappealing party prior to appeal, the nonappealing party is entitled to reimbursement within 30 days after serving on the appealing party proof of the cost of the transcript. If not so reimbursed, the appeal may be dismissed.

This rule is intended to implement Iowa Code sections 10A.320, 10A.321, 10A.328, 17A.12, and 17A.15.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.58(10A) Recording of proceedings. The workers' compensation commissioner may arrange for the attendance of a certified shorthand reporter or mechanical means to record proceedings in contested cases. The workers' compensation commissioner may require a defendant employer or on appeal to the workers' compensation commissioner, an appellant, to arrange for the attendance of a certified shorthand reporter or adequate mechanical means of recording the proceedings. The charges for attendance shall be paid initially to the certified shorthand reporter or service by the defendant employer or, on an appeal to the workers' compensation commissioner, the appellant. The charges shall be taxed as costs. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost.

This rule is intended to implement Iowa Code section 10A.320.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.59(10A) Costs.

2506.59(1) Costs taxed by the workers' compensation commissioner or a deputy workers' compensation commissioner shall be:

- a.* Attendance of a certified shorthand reporter or presence of mechanical means at hearings and evidential depositions;
- b.* Transcription costs when appropriate;
- c.* Costs of service of the original notice and subpoenas;
- d.* Witness fees and expenses as provided by Iowa Code sections 622.69 and 622.72;
- e.* The costs of doctors' and practitioners' deposition testimony, provided that said costs do not exceed the amounts provided by Iowa Code sections 622.69 and 622.72;
- f.* The reasonable costs of obtaining no more than two doctors' or practitioners' reports;
- g.* Filing fees when appropriate, including convenience fees incurred by using the WCES payment gateway; and
- h.* Costs of persons reviewing health service disputes.

2506.59(2) Costs of service of notice and subpoenas shall be paid initially to the serving person or agency by the party utilizing the service. Expenses and fees of witnesses or of obtaining doctors' or practitioners' reports initially shall be paid to the witnesses, doctors or practitioners by the party on whose behalf the witness is called or by whom the report is requested. Witness fees shall be paid in accordance with Iowa Code section 622.74. Proof of payment of any cost shall be filed with the workers' compensation commissioner before costs are taxed. The party initially paying the expense shall be reimbursed by the party taxed with the cost. If the expense is unpaid, it shall be paid by the party taxed with the cost. Costs are to be assessed at the discretion of the deputy workers' compensation commissioner or workers' compensation commissioner hearing the case unless otherwise required by the Iowa Rules of Civil Procedure governing discovery.

This rule is intended to implement Iowa Code section 10A.328.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.60(10A,17A) Dismissal for lack of prosecution. It is the declared policy that in the exercise of reasonable diligence, all contested cases before the workers' compensation commissioner, except under unusual circumstances, shall be brought to issue and heard at the earliest possible time. To accomplish such purpose, the workers' compensation commissioner may take the following action:

2506.60(1) Any contested case, where the original notice and petition is on file in excess of two years, may be subject to dismissal after the notice described in subrule 2506.60(2) is sent to all parties and after the time as provided for in the notice.

2506.60(2) After the circumstances provided in subrule 2506.60(1) occur, all parties to the action, or their attorneys, shall be sent a notice from the division of workers' compensation by certified mail containing the following:

- a.* The names of the parties;
- b.* The date or dates of injury involved in the contested case or appeal proceeding;
- c.* Counsel appearing;
- d.* Date of filing of the petition or appeal;
- e.* That the contested case proceeding will be dismissed without prejudice on the thirtieth day following the date of the notice unless good cause is shown why the contested case proceeding should not be dismissed.

2506.60(3) The action or actions dismissed may, at the discretion of the workers' compensation commissioner, and shall, upon a showing that such dismissal was the result of oversight, mistake or other reasonable cause, be reinstated. Applications for such reinstatement, setting forth the grounds, shall be filed within three months from the date of dismissal.

This rule is intended to implement Iowa Code sections 10A.310, 10A.319, and 17A.3(1) "b."

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.61(10A,17A) Rules of civil procedure. The rules of civil procedure shall govern the contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules and Iowa Code chapters 10A, 17A, 85, 85A, 85B, and 87. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word "court" shall be deemed reference to the "workers' compensation commissioner" and reference to the word "trial" shall be deemed reference to "contested case hearing."

This rule is intended to implement Iowa Code sections 10A.310, 17A.1, and 17A.12 through 17A.14.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.62(10A) Compliance with order or rules. If any party to a contested case or an attorney representing such party shall fail to comply with these rules or any order of a deputy workers' compensation commissioner or the workers' compensation commissioner, the deputy workers' compensation commissioner or workers' compensation commissioner may impose sanctions that may include dismissing the action without prejudice, excluding or limiting evidence, assessing costs or expenses, and closing the record in whole or in part to further activity by the party.

This rule is intended to implement Iowa Code section 10A.310.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.63(10A,17A) Length of briefs. Except by permission of the presiding deputy workers' compensation commissioner or by permission of the workers' compensation commissioner when an appeal pursuant to rule 876—2506.54(10A,17A) has been filed, principal briefs shall not exceed 50 Arabic-numbered pages. Reply briefs shall not exceed 25 Arabic-numbered pages. In the event of a cross-appeal, an appellant's (cross-appellee's) responsive reply brief shall be considered a principal brief. The type used shall not be smaller than pica type, and each line shall contain an average of no more than 60 characters. If a brief is submitted in excess of the length allowed in this rule, the portion exceeding the allowable length will not be considered. This rule does not prohibit a presiding deputy workers' compensation commissioner or the workers' compensation commissioner from limiting the length of a brief. An exception to this rule is the length of briefs (three pages) in an application for alternate care.

This rule is intended to implement Iowa Code sections 10A.310, 10A.319, 10A.321, 17A.12, and 17A.15.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.64(10A,17A,85) Contested case proceedings—health service disputes.

2506.64(1) More information about informal resolution procedures and definitions can be found in rule 876—10.3(17A,85,86). The following definition also applies to this rule:

"Petitioning party" means the person who requests or initiates a contested case proceeding.

2506.64(2) If utilization of the procedures given in rule 876—10.3(17A,85,86) does not resolve the dispute and the parties have complied with the good faith requirements of rule 876—10.1(17A,85,86), a contested case may be initiated. The procedures given in rule 876—10.3(17A,85,86) must be used prior to initiation of a contested case. The provider or the responsible party that is unwilling to accept the determination of the person making a determination after reviewing the dispute as provided in rule 876—10.3(17A,85,86) shall initiate the contested case proceeding. The proceeding shall be initiated as provided in this chapter and Iowa Code chapter 17A and shall follow the provisions of this rule. The proceeding must be initiated within 30 days of the date of the determination made pursuant to rule 876—10.3(17A,85,86). If a contested case proceeding is not initiated or is not initiated within the time provided in this rule, the allowed amount of the charge by the provider shall be the amount determined pursuant to rule 876—10.3(17A,85,86).

2506.64(3) The evidence submitted in the contested case proceeding shall be limited to the evidence submitted pursuant to rule 876—10.3(17A,85,86) and a copy of the determination made pursuant to rule 876—10.3(17A,85,86). This evidence shall be filed by the party requesting the contested case proceeding at the time the contested case proceeding is initiated. However, the workers' compensation commissioner may request that additional evidence be submitted or may grant submission of additional evidence

if the workers' compensation commissioner is satisfied that there exists additional material evidence, newly discovered, which could not with reasonable diligence be discovered and produced pursuant to rule 876—10.3(17A,85,86). The issues of the contested case proceeding shall be limited to the dispute considered in rule 876—10.3(17A,85,86).

2506.64(4) The petitioning party has the burden of proof.

2506.64(5) If the petitioning party wishes to file a brief, the brief must be filed with the request for contested case proceeding.

2506.64(6) The opposing party must file a response within 30 days of the date of service of the request for a contested case proceeding.

2506.64(7) If the opposing party wishes to file a brief, the brief must be filed with the response.

2506.64(8) Sixty days after the request for a contested case is filed with the workers' compensation commissioner, the workers' compensation commissioner will review the matter. The notice of the review to the parties shall meet the provisions of this rule and no other notice will be given.

2506.64(9) The workers' compensation commissioner shall review the matter and make a decision as soon as practicable after the review. The decision shall be as provided in this chapter and Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 10A.310, 10A.327, 17A.10, 17A.12, 17A.14, and 85.27.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.65(10A,17A,85) Application for alternate care.

2506.65(1) *Purpose.* The purpose of this rule is to establish the procedures for issuing decisions on applications for alternate care within the time provided in Iowa Code section 85.27.

2506.65(2) *Definitions.* The following definitions apply to this rule:

"Application for alternate care," hereinafter referred to as *"application,"* shall mean a contested case proceeding filed with the workers' compensation commissioner that requests alternate care pursuant to Iowa Code section 85.27.

"Employer" means the person or entity that is liable for payment of medical services provided pursuant to the Iowa workers' compensation laws and includes an employer, an employer who has been relieved from insurance pursuant to Iowa Code section 87.11, and an insurance carrier that provides an employer with workers' compensation insurance.

"Proper application" means an application for alternate care that complies with the requirements of this rule.

2506.65(3) *Dissatisfaction—basis.* Prior to filing the application, the employee must communicate the basis of dissatisfaction of the care to the employer.

2506.65(4) *Application.* The application shall:

- a. Be filed on the form provided by the workers' compensation commissioner;
- b. Concern only the issue of alternate care;
- c. State the reasons for the employee's dissatisfaction with the care chosen by the employer;
- d. Be served on the employer;
- e. Contain proof of service on the employer; and
- f. Specify whether a telephone or in-person hearing is requested.

2506.65(5) *Fee.* No filing fee is due. More information can be found in paragraph 2506.38(2)"a."

2506.65(6) *Employer liability.* Application cannot be filed under this rule if the liability of the employer is an issue. If an application is filed where the liability of the employer is an issue, the application will be dismissed without prejudice. (Petitions for alternate care where liability of the employer is an issue should be filed pursuant to subrule 2506.32(3).)

2506.65(7) *Notice of hearing.* The workers' compensation commissioner will notify the parties by ordinary mail, by facsimile transmission (fax), by electronic mail (email), or by WCES of the time, place and nature of the hearing. No notice will be made until a proper application is received by the workers'

compensation commissioner. The notice will specify whether the hearing will be by telephone, in person or by digital means.

2506.65(8) *Appearance or answer.* After being served with an application for alternate care, the employer shall file an appearance of answer as soon as practicable before the time of the hearing.

2506.65(9) *Discovery and evidence.* All discovery must be completed prior to the contested case hearing. Any written evidence to be used by the employer or the employee must be exchanged prior to the hearing. All written evidence must be filed with the agency before the date of the hearing. Written evidence shall be limited to ten pages per party.

2506.65(10) *Motions.* All motions except as provided in this subrule will be considered at the hearing. A timely motion to change the type of hearing (telephone or in-person) may be considered prior to the hearing. The workers' compensation commissioner will make no rulings on discovery matters or motions.

2506.65(11) *Briefs.* Hearing briefs, if any, must be filed with the agency before the date of the hearing and shall be limited to three pages.

2506.65(12) *Hearing.* The hearing will be held by telephone, in person or by digital means in Des Moines, Iowa. The employer shall have the right to request an in-person hearing if the employee has requested a telephone hearing in the application. The employer shall on the record respond to the allegations contained in the application. The hearing will be electronically recorded. If there is an appeal of a proposed decision or judicial review of final agency action, the appealing party is responsible for filing a transcript of the hearing.

2506.65(13) *Transcripts.* Copies of the recording will be provided to the parties upon notice of appeal. A transcript shall be provided by the appealing party pursuant to Iowa Code section 10A.321(4), and a copy thereof shall be served on the opposing party at the time the transcript is filed with the workers' compensation commissioner unless the parties submit an agreed-upon transcript. If a party disputes the accuracy of any transcript prepared by the opposing party, that party shall submit its contentions to the workers' compensation commissioner for resolution. Any transcription charges incurred by the workers' compensation commissioner in resolving the dispute shall be initially paid pursuant to Iowa Code section 10A.320(1) by the party that disputes the accuracy of the transcript prepared by the appellant.

2506.65(14) *Represented party.* A party may be represented as provided in Iowa Code section 631.14. The presiding deputy workers' compensation commissioner may permit a party who is a natural person to be assisted during a hearing by any person who does so without cost to that party if the assistance promotes full and fair disclosure of the facts or otherwise enhances the conduct of the hearing. The employer and the employer's insurance carrier shall be treated as one party unless their interests appear to be in conflict and a representative of either the employer or the employer's insurance carrier shall be deemed to be a representative of both unless notice to the contrary is given.

2506.65(15) *Decision.* A decision will be issued within 10 working days of receipt of a proper application when a telephone hearing is held or within 14 working days of receipt of a proper application when an in-person hearing is held.

This rule is intended to implement Iowa Code sections 10A.310, 10A.318, 17A.12, and 85.27.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.66(10A,17A,85) Method of holding hearing.

2506.66(1) Any hearing held under this chapter may be by voice or video technology, including but not limited to Internet-based video.

2506.66(2) A hearing shall not be held in proceedings under subrules 2506.32(8) through 2506.32(12) unless otherwise ordered or requested in writing by the petitioner in the original notice and petition or by the respondent within ten days following the time allowed by these rules for appearance.

This rule is intended to implement Iowa Code sections 10A.310, 10A.318, 10A.319, 17A.12, and 85.27.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.67(10A,17A,85) Vocational training, education, and supplies.

2506.67(1) *Purpose.* The purpose of this rule is to establish the procedures for issuing decisions on applications for vocational training, education, and supplies provided for in Iowa Code section 85.70(2).

2506.67(2) Definitions. The following definitions apply to this rule:

“Application for vocational training and education hearing” or “application” means a contested case proceeding filed with the division of workers’ compensation contesting the results of an evaluation and determination or contesting or requesting the termination of a vocational training and education program.

“Evaluation and determination” means an assessment conducted by the department of workforce development to determine if the employee would benefit from a vocational training and education program offered through an area community college to allow the employee to return to the workforce.

“Request for vocational training and education” or “request” means a written request for an evaluation and determination of whether an employee is entitled to vocational training, education, and supplies.

“Vocational training and education” shall include general educational development programs for employees who have not graduated from high school or obtained a general education diploma, and career and technical education programs that provide instruction in the areas of agriculture, family and consumer sciences, health occupations, business, industrial technology, and marketing offered through an area community college that will allow the employee to return to the workforce.

2506.67(3) Application for vocational training and education.

a. An application shall:

- (1) Only concern the issue of vocational training, education, and supplies;
- (2) Be filed on the form provided by the division of workers’ compensation;
- (3) State the reasons for the application;
- (4) Be served on the other party;
- (5) Contain a proof of service on the other party; and
- (6) Specify whether a telephone or in-person hearing is requested.

b. An application for vocational training and education must be filed in WCES unless a party has been granted a waiver of the mandatory use of WCES, in which case the party shall file the application for vocational training and education with the division of workers’ compensation. Applicant(s) must serve a copy of this form on an appellee(s) by certified mail, return receipt requested, or by personal service as in civil actions in accordance with rule 876—2506.37(17A,85) and mail a copy to the attorney of record for the appellee(s), if known, in accordance with rule 876—2506.43(10A,17A).

2506.67(4) Fee. No filing fee is due. More information can be found in paragraph 2506.38(2) “a.”

2506.67(5) Request for vocational education and training. Prior to filing an application, the employee shall complete a request on a form supplied by the department of workforce development and submit the completed form to the department of workforce development asking for an evaluation and determination. The employee, employer, or insurance carrier may contest the results of the evaluation and determination by filing an application with the division of workers’ compensation.

2506.67(6) Proper application. An application may not be filed under this rule until:

- a.* An evaluation and determination has been made by the department of workforce development; and
- b.* There has been a finding by the division of workers’ compensation or the employer or the employer’s insurance carrier or both and the employee agrees that the employee has sustained an injury to the shoulder resulting in a permanent partial disability for which compensation is payable under Iowa Code section 85.34(2) “n” and the employee cannot return to gainful employment because of such disability.

2506.67(7) Notice of hearing. The workers’ compensation commissioner shall notify the parties by email, ordinary mail, fax, or WCES of the time, place, and nature of the hearing. No notice will be made until a proper application is received by the workers’ compensation commissioner. The notice shall specify whether the hearing will be held by telephone, in person, or by digital means.

2506.67(8) Evidence. Any written evidence to be used by the employer, the employer’s insurance carrier, or the employee must be exchanged prior to the hearing. All written evidence must be filed with the agency before the date of hearing. Written evidence shall be limited to 50 pages per party.

2506.67(9) Motion to change hearing type. A timely motion to change the hearing type (by telephone, in person, or by digital means) may be considered prior to the hearing. The workers’ compensation commissioner will make no rulings on other types of motions.

2506.67(10) Briefs. Hearing briefs, if any, must be filed with the agency before the date of the hearing and shall be limited to five pages.

2506.67(11) Hearing. The hearing will be held either by telephone, in person in Des Moines, Iowa, or by digital means. If the party filing the application does not request an in-person hearing in the application, the other parties may request an in-person hearing. The hearing will be recorded electronically. Copies of the recording will be provided to the parties. If there is an appeal of a proposed decision or judicial review of final agency action, the appealing party is responsible for filing a transcript of the hearing. A transcript shall be provided by the appealing party pursuant to Iowa Code section 10A.321(4) and a copy of the transcript shall be served on the opposing party at the time the transcript is filed with the workers' compensation commissioner unless the parties submit an agreed-upon transcript. If a party disputes the accuracy of any transcript prepared by the opposing party, that party shall submit its contentions to the workers' compensation commissioner for resolution. Any transcription charges incurred by the workers' compensation commissioner in resolving the dispute shall be initially paid pursuant to Iowa Code section 10A.320(1) by the party that disputes the accuracy of the transcript prepared by the appellant.

2506.67(12) Represented party. A party may be represented as provided in Iowa Code section 631.14. The presiding deputy workers' compensation commissioner may permit a party who is a natural person to be assisted during a hearing by any person who does so without cost to that party if the assistance promotes full and fair disclosure of the facts or otherwise enhances the conduct of the hearing. The employer and the employer's insurance carrier shall be treated as one party unless their interests appear to be in conflict and a representative of either the employer or the employer's insurance carrier shall be deemed to be a representative of both unless notice to the contrary is given.

2506.67(13) Decision. A decision will be issued within 30 working days of receipt of a proper application.

This rule is intended to implement Iowa Code sections 10A.318, 17A.12, and 85.70(2).

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.68(10A,17A) Agency notice of judicial review matters. A party that petitions for judicial review shall file a copy of the petition for judicial review in WCES within ten days of filing the petition with a district court. If a party has been granted a waiver of the mandatory use of WCES, the party shall file a copy of the petition for judicial review with the division of workers' compensation within ten days of filing the petition with a district court. A party shall also file a copy of each appellate court decision in WCES within ten days of the date the appellate court decision was issued and filed. If a party has been granted a waiver of the mandatory use of WCES, the party shall file a copy of the appellate court decision with the division of workers' compensation within ten days of the date the appellate court decision was issued and filed. Within 45 days of the filing of the final appellate court decision, the same party shall notify the division of workers' compensation of the result of the appellate process.

This rule is intended to implement Iowa Code sections 10A.322 and 17A.19.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

876—2506.69(10A,17A,85,85A,85B) Rule of electronic procedure. Chapter 16 of the Iowa Court Rules of Electronic Procedure shall govern the use and filings in WCES for contested case proceedings before the workers' compensation commissioner unless the provisions are in conflict with these rules or Iowa Code chapters 10A, 17A, 85 through 85B, and 87 or obviously inapplicable to the workers' compensation commissioner. In those circumstances, these rules or the appropriate Iowa Code section shall govern. Where appropriate, reference to the word "court" shall be deemed reference to the "workers' compensation commissioner or deputy workers' compensation commissioner," reference to the word "trial" shall be deemed reference to "contested case hearing," and reference to "clerk of court" shall be deemed reference to staff at the workers' compensation division.

This rule is intended to implement Iowa Code chapters 10A, 17A, and 85 through 85B.

[ARC 0408D, IAB 7/8/26, effective 6/30/26]

[Filed Emergency ARC 0408D, IAB 7/8/26, effective 6/30/26]

WORKFORCE DEVELOPMENT BOARD, STATE[877]

[Prior to 9/24/86, see Employment Security[370], renamed Job Service Division[345] under the “umbrella” of Department of Employment Services by 1986 Iowa Acts, chapter 1245]

[Prior to 3/12/97, see Job Service Division[345]]

CHAPTER 1

WORKFORCE DEVELOPMENT BOARD

1.1(84A)	Records
1.2(84A)	Coordination with the department of corrections on private sector employment projects
1.3(84A)	Coordination with the department of corrections on construction and maintenance projects

CHAPTER 1
WORKFORCE DEVELOPMENT BOARD

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/11/31

877—1.1(84A) Records. Agendas, minutes, and materials presented to the board are available from Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5(5) or that are otherwise confidential by law. Board records contain information about persons who participate in meetings. This information is collected pursuant to Iowa Code sections 21.3 and 96.11(6). These records are not stored in an automated data processing system and may not be retrieved by a personal identifier.

[ARC 9966C, IAB 1/7/26, effective 2/11/26]

877—1.2(84A) Coordination with the department of corrections on private sector employment projects. To assist the department of corrections with programs that employ offenders in the private sector, the department of workforce development shall be responsible for coordinating the following process:

1.2(1) Prior to an employer's submission of an application to the department of corrections for a private sector employment project, the employer shall place with the nearest workforce development center a job order with a duration of at least 30 days. The job order shall be listed statewide in all centers and on the department of workforce development's jobs Internet site.

1.2(2) The department of corrections shall send a letter requesting verification of the employer's 30-day job listing, the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the employer is located, and the current employment level of the company that will employ the offenders. The letter should be sent to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.2(3) The department of workforce development shall verify in writing the job listing, including the number of qualified applicant referrals and hires made as a result of the job order, the average entry-level wage rate for the proposed job(s), the entry-level wage range, the current unemployment rate for the county where the employer is located, and the current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available. The average wage rate and wage range will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

1.2(4) Average entry-level wage rates and entry-level wage ranges for jobs currently held by offenders and employment levels of companies employing offenders shall be updated by the department of workforce development annually upon the department of corrections' sending a letter listing all current companies employing offenders and the offenders' job classifications to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.2(5) The department of workforce development shall provide a periodic report to the state workforce development board regarding information supplied to the department of corrections for private sector employment projects. Frequency of the report will depend upon the level of activity.

1.2(6) Inquiries concerning private sector employment projects shall be in writing and address the following questions:

- a. Whether and how the project is believed to violate the intent of Iowa Code section 904.809;
- b. Evidence of a local surplus of labor in the job classifications of the type in which offenders are employed; and
- c. Whether private sector employees or employees involved in a labor dispute have been displaced as a result of the project.

Inquiries shall be sent to the Executive Assistant of the State Workforce Development Board, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. A copy of the inquiry shall be sent to the department of corrections. The director of the department shall consult with the director

of prison industries concerning the inquiry prior to the workforce development board's making a final recommendation regarding possible corrective action.

The state workforce development board shall review the inquiry and any additional responses or oral testimony requested by the board and make a recommendation as to whether the intent of Iowa Code section 904.809 has or has not been met and whether corrective action, if any, needs to be taken by the department of corrections to meet the intent. At the discretion of the board, oral presentations may be requested from the party(ies) to the inquiry. The board shall make a final recommendation within 60 days of receipt of the inquiry. The board's final recommendation shall be mailed to both the department of corrections and the party(ies) making the inquiry.

[ARC 9966C, IAB 1/7/26, effective 2/11/26]

877—1.3(84A) Coordination with the department of corrections on construction and maintenance projects. To assist the department of corrections with the employment of offenders on construction and maintenance projects, the department of workforce development shall be responsible for coordinating the following process:

1.3(1) Prior to an employer's submitting an application to the department of corrections for employing offenders on a construction or maintenance project, the employer shall place with the nearest workforce development center a job order with a duration of at least 30 days. The job order shall be listed statewide in all centers and on the department of workforce development's jobs Internet site.

1.3(2) The department of corrections shall send a letter requesting verification of the employer's 30-day job listing, the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the employer is located, and the current employment level of the company that will employ the offenders. The letter should be sent to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.3(3) The department of workforce development shall verify in writing the job listing, including the number of qualified applicant referrals and hires made as a result of the job order, the average entry-level wage rate for the proposed job(s), the entry-level wage range, the prevailing wage as determined by the U.S. Department of Labor, the current unemployment rate for the county where the employer is located, and the current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available. The average entry-level wage rate and entry-level wage range will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

1.3(4) If the contract to employ offender labor exceeds six months, the department of corrections shall request and receive from the department of workforce development the average wage rates and wage ranges for jobs currently held by offenders and current employment levels of companies employing offenders. The letter should be addressed to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

1.3(5) Inquiries concerning construction and maintenance projects performed by offenders may be made by area workers, or their representatives, that are affected by a project. Inquiries shall be in writing and address the following questions:

a. Whether and how the project is believed to violate the intent of Iowa Code sections 904.701 and 904.703;

b. Evidence of a local surplus of labor in the job classifications of the type in which offenders are employed;

c. Whether private sector employees or state, county or local government employees or employees involved in a labor dispute have been displaced as a result of the project; and

d. Whether existing contracts for employment or services have been impaired.

Inquiries shall be sent to Division Administrator, Labor Market Information, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. A copy of the inquiry shall be sent to the department of corrections. The director of the department shall consult with the director of the

department of corrections and the affected regional advisory board concerning the inquiry prior to the workforce development board's making a final recommendation regarding possible corrective action.

The state workforce development board shall review the inquiry and any additional responses or oral testimony requested and make a recommendation as to whether the intent of Iowa Code sections 904.701 and 904.703 has or has not been met and whether corrective action, if any, needs to be taken by the department of corrections to meet the intent. At the discretion of the board, oral presentations may be requested from the party(ies) to the inquiry. The board shall make a final recommendation within 60 days of receipt of the inquiry. The board's final recommendation shall be mailed to both the department of corrections and the party(ies) making the inquiry.

[ARC 9966C, IAB 1/7/26, effective 2/11/26]

These rules are intended to implement Iowa Code sections 84A.1A and 84A.1B.

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