

CHAPTER 8A

DEPARTMENT OF ADMINISTRATIVE SERVICES

Referred to in §476.10B

	SUBCHAPTER I		PART 2
	ADMINISTRATION		LIBRARY SERVICES ADVISORY PANEL AND LOCAL FINANCIAL SUPPORT
	PART 1		
	GENERAL PROVISIONS		
8A.101	Definitions.	8A.221	Library services advisory panel.
8A.102	Department created — director appointed.	8A.222	Local financial support.
8A.103	Department — purpose — mission.	8A.223	through 8A.230 Reserved.
8A.104	Powers and duties of the director.		PART 3
8A.105	Prohibited interests — penalty.		LIBRARY COMPACT
8A.106	Public records.	8A.231	Library compact authorized.
8A.107	Oaths and subpoenas.	8A.232	Administrator.
8A.108	Acceptance of funds — solicitations for capitol complex projects.	8A.233	Agreements.
8A.109	Federal funds.	8A.234	Enforcement.
8A.110	State employee suggestion system.	8A.235	through 8A.300 Reserved.
8A.111	Reports required.		SUBCHAPTER III
8A.112	through 8A.120 Reserved.		PHYSICAL RESOURCES
	PART 2		PART 1
	SERVICES — PROVISION AND FUNDING		GENERAL PROVISIONS
8A.121	Financing department services — customer councils. Repealed by 2008 Acts, ch 1184, §36.	8A.301	Definitions.
8A.122	Services to governmental entities and nonprofit organizations.	8A.302	Departmental duties — physical resources.
8A.123	Department internal service funds.	8A.303	through 8A.310 Reserved.
8A.124	Additional personnel.		PART 2
8A.125	Billing — credit card payments.		PURCHASING
8A.126	Department debts and liabilities — appropriation request.	8A.311	Competitive bidding — preferences — reciprocal application — direct purchasing.
8A.127	through 8A.200 Reserved.	8A.311A	Centralized purchasing.
	SUBCHAPTER II	8A.311B	Reciprocal resident bidder and resident labor force preference by state, its agencies, and political subdivisions — penalties.
	LIBRARY SERVICES		
	PART 1	8A.312	Cooperative purchasing.
	GENERAL PROVISIONS	8A.313	Disputes involving purchasing from Iowa state industries.
8A.201	Library services — definitions.	8A.314	Purchasing revolving fund.
8A.202	Library services — duties and responsibilities.	8A.315	State purchases — recycled products — soybean-based inks.
8A.203	Commission of libraries — creation and duties.	8A.315A	Purchase of chain-of-custody paper.
8A.204	State librarian — state library fund created.	8A.316	Lubricants and oils — preferences.
8A.205	State publications.	8A.317	State purchases — designated biobased products.
8A.206	State library — law library.	8A.318	Building cleaning and maintenance — environmentally preferable cleaning products.
8A.207	State data center.	8A.319	and 8A.320 Reserved.
8A.208	Electronic access to documents.		
8A.209	Enrich Iowa program.		
8A.210	Library support network.		
8A.211	Specialized library services.		
8A.212	through 8A.220 Reserved.		

	PART 3	8A.369	Motor vehicle purchases — qualified renewable fuels — reports.
	PHYSICAL RESOURCES AND FACILITY MANAGEMENT	8A.370	Reserved.
8A.321	Physical resources and facility management — director duties — appropriation.		
8A.322	Buildings and grounds — services — public use — pistols or revolvers.		PART 7
8A.323	Parking regulations.	8A.371	Commission created.
8A.324	Disposal of personal property.	8A.372	Terms of office.
8A.325	Services and commodities accepted.	8A.373	Duties — report to legislature.
8A.326	Terrace Hill commission.	8A.374	Organization.
8A.327	Rent revolving fund created — purpose.	8A.375	Compensation and expenses.
8A.328	Recycling revolving fund.	8A.376	Capitol complex projects.
8A.329	Wastepaper recycling program.	8A.377	Capitol — preservation of architectural and historic integrity.
8A.330	Routine maintenance fund — appropriation.	8A.378	State capitol view preservation.
8A.331	through 8A.340 Reserved.	8A.379	through 8A.400 Reserved.
	PART 4		SUBCHAPTER IV
	PRINTING		STATE HUMAN RESOURCE MANAGEMENT — OPERATIONS
8A.341	State printing — duties.		PART 1
8A.342	Contracts with state institutions.		GENERAL PROVISIONS
8A.343	Specifications and requirements.	8A.401	Definitions.
8A.344	Public printing — bidding procedures.	8A.402	State human resource management — responsibilities.
8A.345	Printing revolving fund.	8A.403	Hiring procedures — nonmerit system positions.
8A.346	through 8A.350 Reserved.	8A.404	State employees — disclosure requirements.
	PART 5	8A.405	Foreign agent registration disclosures — penalty.
	DOCUMENT MANAGEMENT	8A.406	through 8A.410 Reserved.
8A.351	Distribution of documents — general provisions.		PART 2
8A.352	through 8A.359 Reserved.		MERIT SYSTEM
	PART 6	8A.411	Merit system established — collective bargaining — applicability.
	FLEET MANAGEMENT	8A.412	Merit system — applicability — exceptions.
8A.360	Special definitions.	8A.413	State human resource management — rules.
8A.360A	Classification of qualified renewable fuels.	8A.414	Experimental research projects.
8A.361	Vehicle assignment — authority in department.	8A.415	Grievance and discipline resolution procedures.
8A.362	Fleet management — powers and duties — fuel economy requirements.	8A.416	Discrimination, political activity, use of official influence prohibited.
8A.363	Private use prohibited — rate for state business.	8A.417	Prohibited actions.
8A.364	Fleet management revolving fund — replenishment.	8A.418	Federal programs exemption exceptions — penalty.
8A.365	Vehicle replacement — depreciation fund.	8A.419	through 8A.430 Reserved.
8A.366	Violations — withdrawing use of vehicle.		PART 3
8A.367	State-owned passenger vehicles — disposition and sale — fleet privatization.		EMPLOYEE BENEFITS
8A.368	Motor vehicle purchases — qualified renewable fuels.	8A.431	Iowa management training system — training revolving fund.

8A.432	Combined charitable campaign program, fees, revolving fund.	8A.512	Limits on claims.
8A.433	Deferred compensation plan.	8A.512A	Executive branch employee travel — information and database.
8A.434	Iowa state employee deferred compensation trust fund.	8A.513	Claims — approval.
8A.435	State employee deferred compensation match trust fund.	8A.514	Vouchers — interest — payment of claims.
8A.436	State employee dependent care spending account trust fund.	8A.515	Warrants — form.
8A.437	State employee health flexible spending account trust fund.	8A.516	Required payee.
8A.438	Tax-sheltered investment contracts.	8A.517	Prohibited payee.
8A.439	Longevity pay prohibited — exception.	8A.518	Claims exceeding appropriations.
8A.440	through 8A.450 Reserved.	8A.519	Cancellation of state warrants.
		8A.520	through 8A.600 Reserved.
			SUBCHAPTER VI
			STATE RECORDS AND ARCHIVES
	PART 4		
	MISCELLANEOUS PROVISIONS	8A.601	Citation.
8A.451	Human resources administrative costs.	8A.602	Definitions.
8A.452	Use of public buildings.	8A.603	Commission created.
8A.453	Aid by state employees — records and information.	8A.604	Commission purpose.
8A.454	Health insurance administration fund.	8A.605	Expenses.
8A.455	Certification of payrolls — actions.	8A.606	Meetings.
8A.456	Access to records.	8A.607	Commission administration.
8A.457	Workers' compensation claims.	8A.608	Commission responsibilities.
8A.458	Penalty.	8A.609	Department responsibilities.
8A.459	State employee pay and allowances — electronic funds transfer.	8A.610	Agency head responsibilities.
8A.460	Terminal liability health insurance fund.	8A.611	Termination of state agency — records transfer.
8A.461	through 8A.501 Reserved.	8A.612	Duplicates.
		8A.613	Records state property.
		8A.614	Liability precluded.
		8A.615	Exemptions — duties of state department of transportation and state board of regents.
		8A.616	Iowa historical records advisory board established.
		8A.617	through 8A.700 Reserved.
			SUBCHAPTER VII
			HISTORICAL RESOURCES
	SUBCHAPTER V	8A.701	Reserved.
	FINANCIAL ADMINISTRATION	8A.702	Departmental duties — historical resources.
8A.502	Financial administration duties.	8A.703	State historical society of Iowa — board of trustees.
8A.503	Rules — deposit of departmental moneys.	8A.704	Powers and duties of director.
8A.504	Setoff procedures. Repealed by 2020 Acts, ch 1064, §26, 28; 2020 Acts, ch 1118, §73, 74.	8A.705	Officers — meetings.
8A.505	Cost allocation system — appropriation.	8A.706	State historical society.
8A.506	Accounting.	8A.707	Powers and duties of board and department.
8A.507	Stating account.	8A.708	Funds received by department.
8A.508	Compelling payment.	8A.709	Iowa heritage fund.
8A.509	Defense to claim.	8A.710	Acceptance and use of money grants.
8A.510	Requested credits — oath required.	8A.711	Gifts.
8A.511	Requisition for information.	8A.712	Historical resource development program — country school grants.

SUBCHAPTER I
ADMINISTRATION

PART 1
GENERAL PROVISIONS

8A.101 Definitions.

As used in [this chapter](#) and [chapter 8B](#), unless the context otherwise requires:

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

- a. The office of the governor or the office of an elective constitutional or statutory officer.
- b. The general assembly, or any office or unit under its administrative authority.
- c. The judicial branch, as provided in [section 602.1102](#).
- d. A political subdivision of the state or its offices or units, including but not limited to a county, city, or community college.

2. “Department” means the department of administrative services.

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

4. “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.

5. “Governmental subdivision” means a county, city, school district, or combination thereof.

6. “Public records” means the same as defined in [section 22.1](#).

[2003 Acts, ch 145, §1](#); [2007 Acts, ch 10, §4](#); [2008 Acts, ch 1031, §8](#); [2013 Acts, ch 129, §1](#)
Referred to in [§25A.1](#), [28M.1](#), [185.34](#), [262.9B](#)

8A.102 Department created — director appointed.

1. The department of administrative services is created. The director of the department shall be appointed by the governor to serve at the pleasure of the governor and is subject to confirmation by the senate. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

2. The person appointed as director shall be professionally qualified by education and have no less than five years’ experience in the field of management, public or private sector personnel administration including the application of merit principles in employment, financial management, and policy development and implementation. The appointment shall be made without regard for political affiliation. The director shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The director is subject to the restrictions on political activity provided in [section 8A.416](#). The governor shall set the salary of the director.

[2003 Acts, ch 145, §2](#); [2023 Acts, ch 19, §2796, 2802](#)

Referred to in [§7E.5](#)

Confirmation, see [§2.32](#)

Subsection 2 amended

8A.103 Department — purpose — mission.

1. The department is created for the purpose of managing and coordinating the major resources of state government including the human, financial, and physical resources of state government.

2. The mission of the department is to implement a world-class, customer-focused

organization that provides a complement of valued products and services to the internal customers of state government.

[2003 Acts, ch 145, §3](#); [2013 Acts, ch 129, §2](#)

8A.104 Powers and duties of the director.

The director shall do all of the following:

1. Coordinate the internal operations of the department and develop and implement policies and procedures designed to ensure the efficient administration of the department.
2. Appoint all personnel deemed necessary for the administration of the department's functions as provided in [this chapter](#).
3. Prepare an annual budget for the department.
4. Develop and recommend legislative proposals deemed necessary for the continued efficiency of the department's functions, and review legislative proposals generated outside the department which are related to matters within the department's purview.
5. Adopt rules deemed necessary for the administration of [this chapter](#) in accordance with [chapter 17A](#).
6. Develop and maintain support systems within the department to provide appropriate administrative support and sufficient data for the effective and efficient operation of state government.
7. Provide accounting and fiscal services and such additional assistance and administrative support services to the office of the chief information officer, created in [section 8B.2](#), as the department and the office determines maximizes the efficiency and effectiveness of both the department and office.
8. Enter into contracts for the receipt and provision of services as deemed necessary. The director and the governor may obtain and accept grants and receipts to or for the state to be used for the administration of the department's functions as provided in [this chapter](#).
9. Establish the internal organization of the department and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department to promote economic and efficient administration and operation of the department.
10. Install a records system for the keeping of records which are necessary for a proper audit and effective operation of the department.
11. Determine which risk exposures shall be self-insured or assumed by the state with respect to loss and loss exposures of state government.
12. Keep in the director's office a complete record containing an itemized account of all state property, including furniture and equipment, under the director's care and control, and plans and surveys of the public grounds, buildings, and underground constructions at the seat of government and of the state laboratories facility in Ankeny.
13. Examine and develop best practices for the efficient operation of government and encourage state agencies to adopt and implement these practices.
14. Exercise and perform such other powers and duties as may be prescribed by law.

[2003 Acts, ch 145, §4](#); [2005 Acts, ch 52, §2](#); [2010 Acts, ch 1031, §1, 77](#); [2013 Acts, ch 129, §3](#)

8A.105 Prohibited interests — penalty.

The director shall not have any pecuniary interest, directly or indirectly, in any contract for supplies furnished to the state, or in any business enterprise involving any expenditure by the state. A violation of the provisions of [this section](#) shall be a serious misdemeanor, and upon conviction, the director shall be removed from office in addition to any other penalty.

[2003 Acts, ch 145, §5](#)

8A.106 Public records.

1. The records of the department, except personal information in an employee's file if the publication of such information would serve no proper public purpose, shall be public records and shall be open to public inspection, subject to reasonable rules as to the time and manner of inspection which may be prescribed by the director. However, the department shall not be required to release financial information, business, or product plans which if released would

give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by the department.

2. The state agency that is the lawful custodian of a public record shall be responsible for determining whether a record is required by federal or state statute to be confidential. The transmission of a record by a state agency by use of electronic means established, maintained, or managed by the department shall not constitute a transfer of the legal custody of the record from the individual state agency to the department or to any other person or entity.

3. The department shall not have authority to determine whether an individual state agency should automate records of which the individual state agency is the lawful custodian. However, the department may encourage state agencies to implement electronic access to public records.

4. A state agency shall not limit access to a record by requiring a citizen to receive the record electronically as the only means of providing the record. A person shall have the right to examine and copy a printed form of a public record as provided in [section 22.2](#), unless the public record is confidential.

[2003 Acts, ch 145, §6](#)

Referred to in [§159.34](#)

8A.107 Oaths and subpoenas.

The director may administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by [this chapter](#). A person who fails to appear in response to a subpoena or produce books or papers pertinent to the investigation or hearing or who knowingly gives false testimony is guilty of a simple misdemeanor.

[2003 Acts, ch 145, §7](#)

8A.108 Acceptance of funds — solicitations for capitol complex projects.

1. The department may receive and accept donations, grants, gifts, and contributions in the form of moneys, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other person, and may use or expend such moneys, services, materials, or other contributions, or issue grants, in carrying out the operations of the department. All federal grants to and the federal receipts of the department are hereby appropriated for the purpose set forth in such federal grants or receipts. The department shall report annually to the general assembly on or before September 1 the donations, grants, gifts, and contributions with a monetary value of one thousand dollars or more that were received during the most recently concluded fiscal year.

2. *a.* The department may solicit donations, grants, gifts, and contributions in the form of moneys, services, materials, real property, or otherwise from any person for specific projects and improvements on or near the capitol complex. However, no less than twenty days prior to commencing any such solicitation, the department shall notify the executive council, the department of management, and the legislative council of the project for which the solicitation is proposed. The department is only required to provide one notification for each project for which a solicitation is proposed.

b. The department shall not accept any donation, grant, gift, or contribution in any form that includes any condition other than a condition to use the donation, grant, gift, or contribution for the project for which it was solicited. The department shall not confer any benefit upon or establish any permanent acknowledgement of the donor of the donation, grant, gift, or contribution unless specifically authorized by a constitutional majority of each house of the general assembly and approved by the governor or unless otherwise specifically authorized by law.

[2003 Acts, ch 145, §8](#); [2006 Acts, ch 1182, §55](#)

8A.109 Federal funds.

1. Neither the provisions of [this chapter](#) nor rules adopted pursuant to [this chapter](#) shall apply in any situation where such provision or rule is in conflict with a governing federal regulation or where the provision or rule would jeopardize the receipt of federal funds.

2. If it is determined by the attorney general that any provision of [this chapter](#) would cause denial of funds or services from the United States government which would otherwise be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds or services.

[2003 Acts, ch 145, §9](#)

8A.110 State employee suggestion system.

1. There is created a state employee suggestion system for the purpose of encouraging state employees to develop and submit ideas which will reduce costs and increase efficiency in state government and which will make monetary and other awards to state employees whose cost reduction ideas are adopted under the system.

2. The department shall provide necessary personnel for the efficient operation of the system. The department shall adopt rules as necessary for the administration of the system and to establish the award policy under which the system will operate. The rules shall include:

a. Eligibility standards and restrictions for both the state employee submitting the suggestion and the suggestion being submitted. The rules shall provide that suggestions relating to academic affairs, including teaching, research, and patient care programs at a university teaching hospital, are ineligible.

b. Procedures for submitting and evaluating suggestions, including the responsibilities of each person involved in the system and providing that the final decision to implement shall be made by the director of the applicable state agency.

c. The method of presentation of awards to employees.

d. The method of promoting the suggestion program in the broadest possible manner to state employees.

e. Any other policies necessary to properly administer the system.

3. a. When a suggestion is implemented and results in a direct cost reduction within state government, the suggester shall be awarded ten percent of the first year's net savings, not exceeding ten thousand dollars, and a certificate. A cash award shall not be awarded for a suggestion which saves less than one hundred dollars during the first year of implementation. The state agency head shall approve all awards and determine the amount to be awarded. Appeals of award amounts shall be submitted to the director whose decision is final.

b. Certificates shall be awarded to suggesters of implemented suggestions that result in a direct cost reduction of less than one hundred dollars. The state agency head shall make the determination as to who will receive certificates. That decision is final.

4. An award made pursuant to [this section](#) shall be paid for out of the appropriated funds of the state agency realizing the cost savings, but the payment for awards shall not violate any state or federal contract, law, or regulation, or impair any agency contractual obligation.

5. The ability of employees to patent ideas submitted under [this section](#) is subject to all other agency rules and Code requirements pertaining to patents.

[2003 Acts, ch 145, §10; 2014 Acts, ch 1036, §2](#)

Referred to in [§15.108](#)

8A.111 Reports required.

The department shall provide all of the following reports:

1. An annual report of the department as required under [section 7E.3, subsection 4](#).

2. An annual report on the status of capital projects as required under [section 8A.321, subsection 11](#).

3. An annual salary report as required under [section 8A.341, subsection 2](#).

4. An annual report of the capitol planning commission as required under [section 8A.373](#).

5. An annual comprehensive financial report as required under [section 8A.502, subsection 7](#).

6. An annual report regarding the Iowa targeted small business procurement Act activities of the department as required under [section 15.108, subsection 6](#), paragraph "c", and quarterly reports regarding the total dollar amount of certified purchases for certified targeted small businesses during the previous quarter as required in [section 73.16, subsection 2](#). The department shall keep any vendor identification information received from

the economic development authority as provided in [section 15.108, subsection 6](#), paragraph “d”, and necessary for the quarterly reports, confidential to the same extent as the economic development authority is required to keep such information. Confidential information received by the department from the economic development authority shall not be disclosed except pursuant to court order or with the approval of the economic development authority.

7. An annual report on the condition of affirmative action, diversity, and multicultural programs as provided under [section 19B.5, subsection 2](#).

8. An annual report on the administration and promotion of equal opportunity in state contracts and services under [section 19B.7](#).

9. An unpaid warrants report as required under [section 25.2, subsection 3](#), paragraph “b”.

10. By December 31, 2019, and by the same date each year thereafter, an annual report submitted to the general assembly and to the chairpersons and ranking members of the senate and house committees on appropriations containing a listing of real property owned or leased by the state. The report shall be grouped by county and shall include identifying information for each real property listed, including but not limited to the physical address. If real property is leased by the state, the report shall also include the rental or lease costs of such real property.

2008 Acts, ch 1184, §30; 2010 Acts, ch 1031, §2, 3; 2011 Acts, ch 127, §32, 89; 2013 Acts, ch 129, §4; 2014 Acts, ch 1036, §3, 4; 2015 Acts, ch 138, §55, 161, 162; 2017 Acts, ch 160, §3; 2019 Acts, ch 136, §31; 2021 Acts, ch 51, §2; 2022 Acts, ch 1045, §2

Referred to in [§15.108](#)

See also [§7A.3](#)

Section not amended; internal reference changes applied

8A.112 through 8A.120 Reserved.

PART 2

SERVICES — PROVISION AND FUNDING

8A.121 Financing department services — customer councils. Repealed by [2008 Acts, ch 1184, §36](#). See [§8.6\(15\)](#).

8A.122 Services to governmental entities and nonprofit organizations.

1. The director shall enter into agreements with state agencies, and may enter into agreements with any other governmental entity or a nonprofit organization, to furnish services and facilities of the department to the applicable governmental entity or nonprofit organization. The agreement shall provide for the reimbursement to the department of the reasonable cost of the services and facilities furnished. All governmental entities of this state may enter into such agreements. For purposes of [this subsection](#), “nonprofit organization” means a nonprofit entity which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code and which is funded in whole or in part by public funds.

2. [This chapter](#) does not affect any city civil service programs established under [chapter 400](#).

3. The state board of regents shall not be required to obtain any service for the state board of regents or any institution under the control of the state board of regents that is provided by the department pursuant to [this chapter](#) without the consent of the state board of regents.

[2003 Acts, ch 145, §12](#); [2007 Acts, ch 115, §3](#)

8A.123 Department internal service funds.

1. Activities of the department shall be accounted for within the general fund of the state, except that the director may establish and maintain internal service funds in accordance with generally accepted accounting principles, as defined in [section 8.57, subsection 4](#), for activities of the department which are primarily funded from billings to governmental

entities for services rendered by the department. The establishment of an internal service fund is subject to the approval of the director of the department of management and the concurrence of the auditor of state. At least ninety days prior to the establishment of an internal service fund pursuant to [this section](#), the director shall notify in writing the general assembly, including the legislative council, legislative fiscal committee, and the legislative services agency.

2. Internal service funds shall be administered by the department and shall consist of moneys collected by the department from billings issued in accordance with [section 8A.125](#) and any other moneys obtained or accepted by the department, including but not limited to gifts, loans, donations, grants, and contributions, which are designated to support the activities of the individual internal service funds.

3. The proceeds of an internal service fund established pursuant to [this section](#) shall be used by the department for the operations of the department consistent with [this chapter](#). The director may appoint the personnel necessary to ensure the efficient provision of services funded pursuant to an internal service fund established under [this section](#). However, this usage requirement shall not limit or restrict the department from using proceeds from gifts, loans, donations, grants, and contributions in conformance with any conditions, directions, limitations, or instructions attached or related thereto.

4. [Section 8.33](#) does not apply to any moneys in internal service funds established pursuant to [this section](#). Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in these funds shall be credited to these funds.

[2003 Acts, ch 35, §46, 49; 2003 Acts, ch 145, §13; 2009 Acts, ch 170, §47, 50; 2012 Acts, ch 1021, §128; 2014 Acts, ch 1036, §5; 2021 Acts, ch 51, §3](#)

Referred to in [§8A.126](#)

8A.124 Additional personnel.

The department may employ, upon the approval of the department of management, additional personnel in excess of the number of full-time equivalent positions authorized by the general assembly if such additional personnel are reasonable and necessary to perform such duties as required to meet the needs of the department to provide services to other governmental entities and as authorized by [this chapter](#). The director shall notify in writing the department of management, the legislative fiscal committee, and the legislative services agency of any additional personnel employed pursuant to [this section](#).

[2003 Acts, ch 35, §46, 49; 2003 Acts, ch 145, §14; 2004 Acts, ch 1086, §6](#)

8A.125 Billing — credit card payments.

1. The director may bill a governmental entity for services rendered by the department in accordance with the duties of the department as provided in [this chapter](#). Bills may include direct, indirect, and developmental costs which have not been funded by an appropriation to the department. The department shall periodically render a billing statement to a governmental entity outlining the cost of services provided to the governmental entity. The amount indicated on the statement shall be paid by the governmental entity and amounts received by the department shall be considered repayment receipts as defined in [section 8.2](#), and deposited into the accounts of the department.

2. In addition to other forms of payment, a person may pay by credit card for services provided by the department, according to rules adopted by the treasurer of state. The credit card fees to be charged shall not exceed those permitted by statute. A governmental entity may adjust its payment to reflect the costs of processing as determined by the treasurer of state. The discount charged by the credit card issuer may be included in determining the fees to be paid for completing a financial transaction under [this section](#) by using a credit card. All credit card payments shall be credited to the fund used to account for the services provided.

[2003 Acts, ch 145, §15](#)

Referred to in [§8A.123](#)

8A.126 Department debts and liabilities — appropriation request.

If a service provided by the department and funded from an internal service fund established under [section 8A.123](#) ceases to be provided and insufficient funds remain in the

internal service fund to pay any outstanding debts and liabilities relating to that service, the director shall notify the general assembly and request that moneys be appropriated from the general fund of the state to pay such debts and liabilities.

[2003 Acts, ch 145, §16](#)

8A.127 through 8A.200 Reserved.

SUBCHAPTER II

LIBRARY SERVICES

Length of service of former library service area employees hired by former division of library services on or after July 1, 2011, to be prorated and credited as state employment service for certain purposes; personnel records to be submitted to division by July 1, 2011; [2011 Acts, ch 132, §68, 106](#)

PART 1

GENERAL PROVISIONS

8A.201 Library services — definitions.

As used in this part, unless the context otherwise requires:

1. “*Commission*” means the commission of libraries.
2. “*State agency*” means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.
3. “*State publications*” means all multiply produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:
 - a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.
 - b. Materials excluded from this definition by the commission through the adoption and enforcement of rules.

[93 Acts, ch 48, §17](#)

CS93, §256.50

[2011 Acts, ch 132, §44, 106; 2023 Acts, ch 19, §1363, 1382](#)

C2024, §8A.201

Section transferred from [§256.50](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)
Subsection 2 stricken and subsections 3 and 4 renumbered as 2 and 3

8A.202 Library services — duties and responsibilities.

1. The department, as it relates to library services, shall do all of the following:
 - a. Provide support services to libraries, including but not limited to consulting, continuing education, interlibrary loan services, and references services to assure consistency of service statewide and to encourage local financial support for library services.
 - b. Determine policy for providing information service to the three branches of state government and to the legal community in this state.
 - c. Coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.
 - d. Establish and administer a program for the collection and distribution of state publications to depository libraries.
 - e. Develop and approve, in consultation with the area education agency media centers and the commission, a biennial unified plan of service and service delivery for the department.
 - f. Establish and administer a statewide continuing education program for librarians and trustees.
 - g. Give to libraries advice and counsel in specialized areas which may include, but are not

limited to, building construction and space utilization, children's services, and technological developments.

h. Obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

i. Establish and administer certification guidelines for librarians not covered by other accrediting agencies.

j. Foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

k. Establish and administer standards for state agency libraries and public libraries.

l. Allow a public library that receives state assistance under [section 8A.209](#), or financial support from a city or county pursuant to [section 8A.222](#), to dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the public library. These materials may be sold by the public library directly or the governing body of the public library may sell the materials by consignment to a public agency or to a private agency organized to raise funds solely for support of the public library. Proceeds from the sale of the library materials may be remitted to the public library and may be used by the public library for the purchase of books and other library materials or equipment, or for the provision of library services.

m. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

2. The department, as it relates to library services, may do all of the following:

a. Enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in [section 8A.231](#).

b. Receive and expend money for providing programs and services. The department may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

c. Accept gifts, contributions, bequests, endowments, or other moneys, including but not limited to the Westgate endowment fund, for any or all purposes of the department as it relates to library services. Interest earned on moneys accepted under this paragraph shall be credited to the fund or funds to which the gifts, contributions, bequests, endowments, or other moneys have been deposited, and is available for any or all purposes of the department as it relates to library services. The department shall report annually to the commission and the general assembly regarding the gifts, contributions, bequests, endowments, or other moneys accepted pursuant to this paragraph and the interest earned on them.

[93 Acts, ch 48, §18](#)

[CS93, §256.51](#)

[2001 Acts, ch 158, §12](#); [2006 Acts, ch 1152, §21](#); [2010 Acts, ch 1031, §316, 321](#); [2010 Acts, ch 1183, §15](#); [2010 Acts, ch 1193, §44, 80](#); [2011 Acts, ch 132, §45 – 50, 106](#); [2023 Acts, ch 19, §1364 – 1367, 1382](#)

[C2024, §8A.202](#)

Section transferred from [§256.51](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, paragraph e amended

Subsection 1, NEW paragraph m

Subsection 2 amended

8A.203 Commission of libraries — creation and duties.

1. *a.* The state commission of libraries consists of one member appointed by the supreme court, the director, and the following seven members who shall be appointed by the governor to serve four-year terms beginning and ending as provided in [section 69.19](#).

(1) Two members shall be employed in the state as public librarians.

(2) One member shall be a public library trustee.

(3) One member shall be employed in this state as an academic librarian.

(4) One member shall be employed as a librarian by a school district or area education agency.

(5) Two members shall be selected at large.

b. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in [section 7E.6](#).

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Five members are a quorum for the transaction of business.

3. The commission shall adopt rules under [chapter 17A](#) for carrying out the responsibilities of the department as it relates to library services duties of the department.

4. Advise the department and the state librarian concerning the library services duties of the department.

[93 Acts, ch 48, §19](#)

CS93, §256.52

[94 Acts, ch 1193, §18; 96 Acts, ch 1215, §21; 2003 Acts, ch 145, §223; 2010 Acts, ch 1031, §317, 318, 321; 2010 Acts, ch 1061, §180; 2011 Acts, ch 132, §51 – 54, 69, 106](#)

[Subsection 3, paragraph b, subparagraph (5) was inadvertently omitted from the 2016 Code]

[2023 Acts, ch 19, §1368 – 1371, 1382](#)

C2024, §8A.203

Section transferred from [§256.52](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Subsection 1, paragraph a, unnumbered paragraph 1 amended

Subsection 3 stricken

Subsection 4 amended and renumbered as 3

Subsection 5 stricken and rewritten and renumbered as 4

8A.204 State librarian — state library fund created.

1. The director shall appoint the state librarian who shall administer the duties of the department as it relates to library services.

2. The state librarian shall do all of the following:

a. Organize, staff, and administer the department as it relates to library services so as to render the greatest benefit to libraries in the state.

b. Submit a biennial report to the governor on the activities and an evaluation of the department as it relates to library services and its programs and policies.

c. Control all library services-related property of the department. The state librarian may dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the state library of Iowa. These materials may be sold by the state library directly or the library may sell the materials by consignment with an outside entity. A state library fund is created in the state treasury. Proceeds from the sale of the library materials shall be remitted to the treasurer of state and credited to the state library fund and shall be used for the purchase of books and other library materials. Notwithstanding [section 8.33](#), any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

d. Perform other duties as assigned by the director or as imposed by law.

[2023 Acts, ch 19, §1360](#)

NEW section

8A.205 State publications.

Upon issuance of a state publication in any format, a state agency shall provide the department with an electronic version of the publication at no cost to the department.

[93 Acts, ch 48, §20](#)

CS93, §256.53

[2003 Acts, ch 35, §41, 49; 2010 Acts, ch 1031, §56; 2023 Acts, ch 19, §1372, 1382](#)

C2024, §8A.205

Section transferred from [§256.53](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Section amended

8A.206 State library — law library.

1. The state library includes but is not limited to the library support network, the specialized library services unit, and the state data center. The law library shall be under the direction of the specialized library services unit.

2. The law library shall be administered by a law librarian appointed by the state librarian subject to [subchapter IV of this chapter](#), who shall do all of the following:

a. Operate the law library which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the commission adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies, copies of bills, journals, other information relating to current or proposed legislation, copies of the Iowa administrative bulletin and Iowa administrative code and, consistent with [section 17A.6, subsection 3](#), copies of any publications incorporated by reference in the bulletin or code.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the commission.

[93 Acts, ch 48, §21](#)

CS93, §256.54

[95 Acts, ch 14, §2](#); [2003 Acts, ch 145, §224, 225](#); [2010 Acts, ch 1031, §319 – 321](#); [2011 Acts, ch 132, §55, 56, 106](#); [2023 Acts, ch 19, §1373, 1382](#); [2023 Acts, ch 70, §12, 14](#)

C2024, §8A.206

2023 amendment to subsection 2, paragraph b effective January 1, 2024; [2023 Acts, ch 70, §14](#)

Section transferred from [§256.54](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, paragraph b amended

8A.207 State data center.

A state data center is established in the department. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

1. Manage the state data center program to make United States census data available to the residents of Iowa under rules the commission adopts.

2. Act as the state's liaison with the United States census bureau in matters relating to United States decennial, economic, and agricultural census data, and population estimates and projections.

3. Perform other duties imposed by law or prescribed by the department.

[93 Acts, ch 48, §22](#)

CS93, §256.55

[2011 Acts, ch 132, §57, 106](#); [2023 Acts, ch 19, §1374, 1375, 1382](#)

C2024, §8A.207

Section transferred from [§256.55](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Unnumbered paragraph 1 amended

Subsection 3 amended

8A.208 Electronic access to documents.

The state library shall work to develop a system of electronic access to documents maintained by the state library with a goal of providing electronic access to all such documents. The access shall be provided using a current, widely accepted and utilized technology. [This section](#) shall not prohibit the state librarian from considering other forms of electronic access if the use of such other access is shown to exceed the benefits of, and is more cost-effective than, the currently used technology.

[93 Acts, ch 178, §32](#)

CS93, §256.56

[2020 Acts, ch 1022, §1](#); [2023 Acts, ch 19, §1382](#)

C2024, §8A.208

Section transferred from [§256.56](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

8A.209 Enrich Iowa program.

1. An enrich Iowa program is established in the department to provide direct state assistance to public libraries, to support the open access and access plus programs, to provide public libraries with an incentive to improve library services that are in compliance with performance measures, and to reduce inequities among communities in the delivery of library services based on performance measures adopted by rule by the commission. The

commission shall adopt rules governing the allocation of funds appropriated by the general assembly for purposes of [this section](#) to provide direct state assistance to eligible public libraries. A public library is eligible for funds under [this subchapter](#) if it is in compliance with the commission's performance measures.

2. The amount of direct state assistance distributed to each eligible public library shall be based on the following:

a. The level of compliance by the eligible public library with the performance measures adopted by the commission as provided in [this section](#).

b. The number of people residing within an eligible library's geographic service area for whom the library provides services.

c. The amount of other funding the eligible public library received in the previous fiscal year for providing services to rural residents and to contracting communities.

3. Moneys received by a public library pursuant to [this section](#) shall supplement, not supplant, any other funding received by the library.

4. For purposes of [this section](#), "eligible public library" means a public library that meets all of the following requirements:

a. Submits to the department all of the following:

(1) The report provided for under [section 8A.202, subsection 1](#), paragraph "h".

(2) An application and accreditation report, in a format approved by the department, that provides evidence of the library's compliance with at least one level of the standards established in accordance with [section 8A.202, subsection 1](#), paragraph "k".

(3) Any other application or report the department deems necessary for the implementation of the enrich Iowa program.

b. Participates in the library resource and information sharing programs established by the state library.

c. Is a public library established by city ordinance or a library district as provided in [chapter 336](#).

5. Each eligible public library shall maintain a separate listing within its budget for payments received and expenditures made pursuant to [this section](#), and shall annually submit this listing to the department.

6. By January 15, annually, the department shall submit a program evaluation report to the general assembly and the governor detailing the uses and the impacts of funds allocated under [this section](#).

7. A public library that receives funds in accordance with [this section](#) shall have an internet use policy in place, which may or may not include internet filtering. The library shall submit a report describing the library's internet use efforts to the department.

8. A public library that receives funds in accordance with [this section](#) shall provide open access, the reciprocal borrowing program, as a service to its patrons, at a reimbursement rate determined by the state library.

9. Funds appropriated for purposes of [this section](#) shall not be used by the department for administrative purposes.

[2006 Acts, ch 1180, §16](#)

[C2007, §256.57](#)

[2007 Acts, ch 126, §46 – 48; 2023 Acts, ch 19, §1376, 1382](#)

[C2024, §8A.209](#)

Section transferred from [§256.57](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Section amended

8A.210 Library support network.

1. A library support network is established in the department to offer services and programs for libraries, including but not limited to individualized, locally delivered consulting and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.

2. The organizational structure to deliver library support network services shall include district offices. The district offices shall serve as a basis for providing field services to local libraries in the counties comprising the district. The department shall determine which counties are served by each district office. The number of district offices established to provide services pursuant to [this section](#) shall be six.

[2011 Acts, ch 132, §58, 106](#)

C2012, §256.58

[2023 Acts, ch 19, §1377, 1382](#)

C2024, §8A.210

Section transferred from [§256.58](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Section amended

8A.211 Specialized library services.

The specialized library services unit is established in the department to provide information services to the three branches of state government and to offer focused information services to the general public in the areas of Iowa law, Iowa state documents, and Iowa history and culture.

[2011 Acts, ch 132, §59, 106](#)

C2012, §256.59

[2023 Acts, ch 19, §1378, 1382](#)

C2024, §8A.211

Section transferred from [§256.59](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Section amended

8A.212 through 8A.220 Reserved.

PART 2

LIBRARY SERVICES ADVISORY PANEL AND LOCAL FINANCIAL SUPPORT

8A.221 Library services advisory panel.

1. The state librarian shall convene a library services advisory panel to advise and recommend to the department evidence-based best practices, to assist the department to determine service priorities and launch programs, articulate the needs and interests of Iowa librarians, and share research and professional development information.

2. The library services advisory panel shall consist of no fewer than eleven members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members appointed shall be appointed by the executive board of the Iowa library association and the remaining members shall be appointed by the state librarian. Terms of members shall begin and end as provided in [section 69.19](#). Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve four-year terms which are staggered at the discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually.

3. The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the department and the state librarian at least once annually. The report shall be timely submitted to allow for consideration of the recommendations prior to program planning and budgeting for the following fiscal year.

4. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses shall be paid from funds appropriated to the department.

[2011 Acts, ch 132, §60, 106](#)

C2012, §256.62

[2023 Acts, ch 19, §1379, 1382](#)

C2024, §8A.221

Section transferred from [§256.62](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Subsections 1, 3, and 4 amended

8A.222 Local financial support.

Commencing July 1, 1977, each city within its corporate boundaries and each county within the unincorporated area of the county shall levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on the taxable property or at least the monetary equivalent thereof when all or a portion of the funds are obtained from a source other than taxation, for the purpose of providing financial support to the public library which provides library services within the respective jurisdictions.

[93 Acts, ch 48, §32](#)

CS93, §256.69

[2023 Acts, ch 19, §1382](#)

C2024, §8A.222

Referred to in [§8A.202, 336.13, 692A.101](#)

Section transferred from [§256.69](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

8A.223 through 8A.230 Reserved.

PART 3

LIBRARY COMPACT

8A.231 Library compact authorized.

The department is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa with any state bordering on Iowa which legally joins therein in substantially the following form and the contracting states agree that:

1. *Article I — Purpose.* Because the desire for the services provided by public libraries transcends governmental boundaries and can be provided most effectively by giving such services to communities of people regardless of jurisdictional lines, it is the policy of the states who are parties to this compact to cooperate and share their responsibilities in providing joint and cooperative library services in areas where the distribution of population makes the provision of library service on an interstate basis the most effective way to provide adequate and efficient services.

2. *Article II — Procedure.* The appropriate state library officials and agencies having comparable powers with those of the Iowa commission of libraries of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the cooperative or joint conduct of library services when they shall find that the execution of agreements to that end as provided herein will facilitate library services.

3. *Article III — Content.* Any such agreement for the cooperative or joint establishment, operation or use of library services, facilities, personnel, equipment, materials or other items not excluded because of failure to enumerate shall, as among the parties of the agreement:

a. Detail the specific nature of the services, facilities, properties or personnel to which it is applicable;

b. Provide for the allocation of costs and other financial responsibilities;

c. Specify the respective rights, duties, obligations and liabilities;

d. Stipulate the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of said agreement.

4. *Article IV — Conflict of laws.* Nothing in this compact or in any agreement entered into hereunder shall alter, or otherwise impair any obligation imposed on any public library by otherwise applicable laws, or be constituted to supersede.

5. *Article V — Administrator.* Each state shall designate a compact administrator with whom copies of all agreements to which the state or any subdivision thereof is party shall be filed. The administrator shall have such powers as may be conferred by the laws of the administrator's state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact.

6. *Article VI — Effective date.* This compact shall become operative when entered in by two or more entities having the powers enumerated herein.

7. *Article VII — Renunciation.* This compact shall continue in force and remain binding upon each party state until six months after any such state has given notice of repeal by the legislature. Such withdrawal shall not be construed to relieve any party to an agreement authorized by articles II and III of the compact from the obligation of that agreement prior to the end of its stipulated period of duration.

8. *Article VIII — Severability — construction.* The provisions of this compact shall be severable. It is intended that the provisions of this compact be reasonably and liberally construed.

[93 Acts, ch 48, §33](#)

CS93, §256.70

[2008 Acts, ch 1032, §201; 2011 Acts, ch 132, §61, 106; 2023 Acts, ch 19, §1380, 1382](#)

C2024, §8A.231

Section transferred from [§256.70](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Unnumbered paragraph 1 amended

8A.232 Administrator.

The state librarian shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems desirable to effectuate the purposes of this compact and consult and cooperate with the compact administrators of other party states.

[93 Acts, ch 48, §34](#)

CS93, §256.71

[2011 Acts, ch 132, §62, 106; 2023 Acts, ch 19, §1381, 1382](#)

C2024, §8A.232

Section transferred from [§256.71](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

Section amended

8A.233 Agreements.

The compact administrator and the chief executive of a county, city, or library board may enter into agreements with other states or their political subdivisions pursuant to the compact. The agreements made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. The agreements made on behalf of a political subdivision shall be made after due notice to and consultation with the compact administrator.

[93 Acts, ch 48, §35](#)

CS93, §256.72

[2023 Acts, ch 19, §1382](#)

C2024, §8A.233

Referred to in [§331.381](#)

Section transferred from [§256.72](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

8A.234 Enforcement.

The agencies and officers of this state and its subdivisions shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdiction.

[93 Acts, ch 48, §36](#)

CS93, §256.73

[2023 Acts, ch 19, §1382](#)

C2024, §8A.234

Referred to in [§331.381](#)

Section transferred from [§256.73](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1382](#)

8A.235 through 8A.300 Reserved.

SUBCHAPTER III
PHYSICAL RESOURCES

Referred to in [§8B.24](#), [12E.8](#), [35A.10](#), [142A.6](#), [218.58](#), [321.35](#), [904.315](#), [904.706](#)

PART 1
GENERAL PROVISIONS

8A.301 Definitions.

When used in [this subchapter](#), unless the context otherwise requires:

1. “*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.
2. “*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, accepted, rejected, or awarded. A “*competitive bidding procedure*” may include a transaction accomplished in an electronic format.
3. “*Life cycle cost*” means the expected total cost of ownership during the life of a product.
4. “*Printing*” means, as used in [chapter 7A](#) and [this subchapter](#), 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 any library of the state or any of its offices, departments, boards, and commissions held as a part of their library collection.
5. “*State buildings and grounds*” excludes any building under the custody and control of the Iowa public employees’ retirement system.
[2003 Acts, ch 145, §28](#)

8A.302 Departmental duties — physical resources.

The duties of the department as it relates to the physical resources of state government shall include but not necessarily be limited to the following:

1. Providing a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased by state agencies through the department, except items provided for under [section 904.808](#) or items used by the state board of regents and institutions under the control of the state board of regents. However, the department may authorize the department of transportation, the department for the blind, and any other agencies otherwise exempted by law from centralized purchasing, to directly purchase items used by those agencies without going through the department, if the department of administrative services determines such purchasing is in the best interests of the state. However, items of general use may be purchased through the department by any governmental entity.
2. Providing for the proper maintenance of the state laboratories facility in Ankeny and of the state capitol, grounds, and equipment, and all other state buildings, grounds, and equipment at the seat of government, except those referred to in [section 216B.3, subsection 6](#).
3. Providing for mail services for all state officials, agencies, and departments located at the seat of government. However, postage shall not be furnished to the general assembly, its members, officers, employees, or committees.
4. Providing architectural services, contracting for construction and construction oversight for state agencies except for the state board of regents, state department of transportation, national guard, natural resource commission, and the Iowa public employees’ retirement system. Capital funding appropriated to state agencies, except to the state board of regents, state department of transportation, national guard, natural resource commission,

and the Iowa public employees' retirement system, for property management shall be transferred for administration to the director of the department of administrative services.

5. Developing and implementing procedures to conduct transactions, including purchasing, authorized by this [subchapter](#) in an electronic format to the extent determined appropriate by the department. The director shall adopt rules establishing criteria for competitive bidding procedures involving transactions in an electronic format, including criteria for accepting or rejecting bids which are electronically transmitted to the department, and for establishing with reasonable assurance the authenticity of the bid and the bidder's identity.

6. Providing insurance for motor vehicles owned by the state.

[2003 Acts, ch 145, §29](#); [2004 Acts, ch 1101, §4](#); [2010 Acts, ch 1031, §71](#); [2010 Acts, ch 1190, §22](#)

8A.303 through 8A.310 Reserved.

PART 2

PURCHASING

Referred to in [§99G.37](#)

8A.311 Competitive bidding — preferences — reciprocal application — direct purchasing.

The director shall adopt rules establishing competitive bidding procedures.

1. *a.* All equipment, supplies, or services procured by the department shall be purchased by a competitive bidding procedure as established by rule. However, the director may exempt by rule purchases of noncompetitive items and purchases in lots or quantities too small to be effectively purchased by competitive bidding. Preference shall be given to purchasing Iowa products and purchases from Iowa-based businesses if the Iowa-based business bids submitted are comparable in price to bids submitted by out-of-state businesses and otherwise meet the required specifications. If the laws of another state mandate a percentage preference for businesses or products from that state and the effect of the preference is that bids of Iowa businesses or products that are otherwise low and responsive are not selected in the other state, the same percentage preference shall be applied to Iowa businesses and products when businesses or products from that other state are bid to supply Iowa requirements.

b. The department and each state agency shall provide notice in an electronic format available to the public of every competitive bidding opportunity offered by the department or the state agency as provided in [section 73.2, subsection 2](#). The department may establish by rule requirements relating to such notice. A competitive bidding opportunity that is not preceded by a notice that satisfies the requirements of this paragraph is void and shall be rebid. A request for proposals for architectural or engineering services may be posted electronically by a department or state agency.

2. Notwithstanding [section 72.3](#), if the competitive bidding procedure used by the department involves the use of a reverse auction or similar competitive bidding procedure requiring the disclosure of bid information submitted by vendors, the department shall disclose the bid information as necessary and appropriate.

3. The director may also exempt the purchase of an item or service from a competitive bidding procedure when the director determines that the best interests of the state will be served by the exemption which shall be based on one of the following:

a. An immediate or emergency need existing for the item or service.

b. A need to protect the health, safety, or welfare of persons occupying or visiting a public improvement or property located adjacent to the public improvement.

4. *a.* The director may contract for the purchase of items or services by the department. Contracts for the purchase of items or services shall be awarded on the basis of the lowest competent bid. Contracts not based on competitive bidding shall be awarded on the basis of bidder competence and reasonable price.

b. Architectural and engineering services shall be procured in a reasonable manner, as the director by rule may determine, on the basis of competence and qualification for the type of services required and for a fair and reasonable price.

5. The director may enter into a cooperative procurement agreement with another governmental entity relating to the procurement of goods or services, whether the goods or services are for the use of the department or other governmental entities. The cooperative procurement agreement shall clearly specify the purpose of the agreement and the method by which that purpose will be accomplished. Any power exercised under the agreement shall not exceed the power granted to any party to the agreement.

6. The director may refuse all bids on any item or service and request new bids.

7. The director shall establish by rule the amount of security, if any, to accompany a bid or as a condition precedent to the awarding of any contract and the circumstances under which a security will be returned to the bidder or forfeited to the state.

8. The director shall adopt rules providing a method for the various state agencies to file with the department a list of those supplies, equipment, machines, and all items needed to properly perform their governmental duties and functions.

9. The director shall furnish a list of specifications, prices, and discounts of contract items to any governmental subdivision which shall be responsible for payment to the vendor under the terms and conditions outlined in the state contract.

10. a. The director shall adopt rules providing that any state agency may, upon request and approval by the department, purchase directly from a vendor if the direct purchasing is more economical than purchasing through the department, if the agency shows that direct purchasing by the state agency would be in the best interests of the state due to an immediate or emergency need, or if the purchase will not exceed an amount, not to exceed twenty-five thousand dollars, determined by the department by rule and the purchase would contribute to the agency complying with the targeted small business procurement goals under [sections 73.15 through 73.21](#).

b. Any member of the executive council may bring before the executive council for review a decision of the director granting a state agency request for direct purchasing. The executive council shall hear and review the director's decision in the same manner as an appeal filed by an aggrieved bidder, except that the three-day period for filing for review shall not apply.

c. By January 15 of each year, the department shall submit to the general assembly electronically an annual report of contracts awarded to targeted small businesses, as defined in [section 15.102](#), in the previous fiscal year pursuant to paragraph "a" authorizing direct purchasing by a state agency if the purchase will not exceed an amount determined by the department by rule and would contribute to the agency complying with the targeted small business goals under [sections 73.15 through 73.21](#).

11. a. When the estimated total cost of construction, erection, demolition, alteration, or repair of a public improvement exceeds the competitive bid threshold in [section 26.3](#), or as established in [section 314.1B](#), the department shall comply with [chapter 26](#).

b. In awarding a contract under [this subsection](#), the department shall let the work to the lowest responsible bidder submitting a sealed proposal. However, if the department considers the bids received not to be acceptable, all bids may be rejected and new bids requested. A bid shall be accompanied by a certified or cashier's check or bid bond in an amount designated in the advertisement for bids as security that the bidder will enter into a contract for the work requested. The department shall establish the bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The certified or cashier's checks or bid bonds of unsuccessful bidders shall be returned as soon as the successful bidder is determined. The certified or cashier's check or bid bond of the successful bidder shall be returned upon execution of the contract. [This subsection](#) does not apply to the construction, erection, demolition, alteration, or repair of a public improvement when the contracting procedure for the work requested is otherwise provided for in law.

12. The state and its political subdivisions shall give preference to purchasing Iowa products and purchasing from Iowa-based businesses if the bids submitted are comparable in price to those submitted by other bidders and meet the required specifications.

13. The director shall adopt rules which provide that a department or agency is not

required to comply with the requirements of [section 904.808](#) for the purchase of a product if the department or agency can verify that the product is manufactured within the state. However, the rules shall provide that if a department or agency is not required to comply with the requirements of [section 904.808](#), Iowa state industries, as defined in [section 904.802](#), shall be allowed to submit a bid to provide the product to be purchased.

14. The director shall adopt rules which require that each bid received for the purchase of items purchased by the department includes a product content statement which provides the percentage of the content of the item which is reclaimed material.

15. The director shall review and, where necessary, revise specifications used by state agencies to procure products in order to ensure all of the following:

a. The procurement of products containing recovered materials, including but not limited to lubricating oils, retread tires, building insulation materials, and recovered materials from waste tires. The specifications shall be revised if they restrict the use of alternative materials, exclude recovered materials, or require performance standards which exclude products containing recovered materials unless the agency seeking the product can document that the use of recovered materials will hamper the intended use of the product.

b. The procurement by state agencies of biobased hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans in accordance with the requirements of [section 8A.316](#).

c. The procurement of designated biobased products in accordance with the requirements of [section 8A.317](#).

16. a. A bidder, to be considered for an award of a state construction contract, shall disclose to the state agency awarding the contract the names of all subcontractors and suppliers who will work on the project being bid within forty-eight hours after the published date and time by which bids must be submitted.

b. A bidder shall not replace a subcontractor or supplier disclosed under paragraph "a" without the approval of the state agency awarding the contract.

c. A bidder, prior to an award or who is awarded a state construction contract, shall disclose all of the following, as applicable:

(1) If a subcontractor or supplier disclosed under paragraph "a" by a bidder is replaced, the reason for replacement and the name of the new subcontractor or supplier.

(2) If the cost of work to be done by a subcontractor or supplier is changed or if the replacement of a subcontractor or supplier results in a change in the cost, the amount of the change in cost.

17. A state agency shall make every effort to purchase those products produced 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 an intellectual disability or other developmental disabilities or mental illness if the products meet the required specifications.

18. A state agency shall make every effort to purchase products produced for sale by employers of persons in supported employment.

19. The department shall not award a contract to a bidder for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost that exceeds twenty-five thousand dollars in which the bid requires the use of inmate labor supplied by the department of corrections, but not employed by private industry pursuant to [section 904.809](#), to perform the project or improvement.

20. Life cycle cost and energy efficiency shall be included in the criteria used by the department, institutions under the control of the state board of regents, the state department of transportation, the department for the blind, and other state agencies in developing standards and specifications for purchasing energy-consuming products. However, for the purchase of passenger vehicles, light, medium-duty, and heavy-duty trucks, passenger and cargo vans, and sport utility vehicles, a purchase contract shall be awarded to the lowest responsive and responsible bidder based solely on bid price.

21. Preference shall be given to purchasing American-made products and purchases from American-based businesses if the life cycle costs are comparable to those products of foreign businesses and which most adequately fulfill the department's need.

22. a. The director may authorize the procurement of goods and services in which a

contractual limitation of vendor liability is provided for and set forth in the documents initiating the procurement. The director, in consultation with the department of management, shall adopt rules setting forth the circumstances in which such procurement will be permitted and what types of contractual limitations of liability are permitted. Rules adopted by the director shall establish criteria to be considered in making a determination of whether to permit a contractual limitation of vendor liability with regard to any procurement of goods and services. The criteria, at a minimum, shall include all of the following:

(1) Whether authorizing a contractual limitation of vendor liability is necessary to prevent harm to the state from a failure to obtain the goods or services sought, or from obtaining the goods or services at a higher price if the state refuses to allow a contractual limitation of vendor liability.

(2) Whether the contractual limitation of vendor liability is commercially reasonable when taking into account any risk to the state created by the goods or services to be procured and the purpose for which they will be used.

b. Notwithstanding paragraph “a”, a contractual limitation of vendor liability shall not include any limitation on the liability of any vendor for intentional torts, criminal acts, or fraudulent conduct.

c. The rules shall provide for the negotiation of a contractual limitation of vendor liability consistent with the requirements of [this section](#) and any other requirements of the department as provided in any related documents associated with a procurement of goods and services.

23. a. The state, through the department, shall give a preference to purchasing equipment, supplies, or services from or awarding public improvement contracts pursuant to [subsection 11](#) to an Iowa-based business as provided under paragraph “b”, as appropriate, if the bid submitted is comparable in price to those submitted by other bidders and meets the required specifications. However, before giving the preference, the department shall confirm with the Iowa employer support of the guard and reserve committee that the requirements of paragraph “b” have been met by the Iowa-based business.

b. To receive a preference as provided by [this subsection](#), the Iowa-based business employer shall have adopted policies beyond those otherwise required by law to support employees who are officers or enlisted persons in the national guard and organized reserves of the armed forces of the United States consistent with standards adopted by the Iowa employer support of the guard and reserve committee. To be eligible for such preference, an employer shall submit to the committee a copy of the applicable policies adopted by the employer and shall sign and submit to the committee a statement of support of persons in the employ of the employer who serve in the national guard and the reserves, recognizing the vital role of the national guard and the reserves, and pledging all of the following:

(1) To neither deny employment nor limit or reduce job opportunities because of an employee’s service in the national guard or organized reserves of the armed forces of the United States.

(2) To grant leaves of absence during a period of military duty or training.

(3) To ensure that all employees are aware of the employer’s policies and the requirements of [section 29A.43](#).

[2003 Acts, ch 145, §30; 2004 Acts, ch 1101, §5; 2005 Acts, ch 52, §3; 2005 Acts, ch 100, §1; 2006 Acts, ch 1017, §16, 42; 2006 Acts, ch 1072, §3; 2007 Acts, ch 115, §6, 18; 2007 Acts, ch 207, §1, 18; 2007 Acts, ch 215, §79; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1104, §1; 2010 Acts, ch 1031, §72; 2011 Acts, ch 25, §2; 2011 Acts, ch 127, §33, 89; 2012 Acts, ch 1019, §3; 2017 Acts, ch 4, §1; 2018 Acts, ch 1164, §25; 2019 Acts, ch 145, §1, 2](#)

Referred to in [§8A.311A, 8A.317, 8A.321, 8A.708, 15.106B, 216B.3, 262.9, 307.21, 459.505](#)

Preferences; see also [chapter 73, §8A.311B](#)

8A.311A Centralized purchasing.

1. The department may designate goods and services of general use that agencies shall, and governmental subdivisions may, purchase pursuant to a master contract established by the department for that good or service. The department shall establish a master contract subject to the requirements of this section if the department determines that a high-quality

good or service can be acquired by agencies and governmental subdivisions at lower cost through the establishment of a master contract.

2. The department shall establish a master contract pursuant to [this section](#) on a competitive basis, and the purchase of a good or service pursuant to the contract shall be deemed to satisfy any otherwise applicable competitive bidding requirements.

3. Upon the establishment of a master contract for a good or service pursuant to [this section](#), an agency shall purchase the good or service pursuant to the contract, and shall not expend money to purchase the good or service directly from a vendor and not through the contract, unless any of the following applies:

a. The department determines, upon a request by the agency, that the agency can satisfy the requirements for purchase of the good or service directly from a vendor as provided in [section 8A.311, subsection 10](#), paragraph “a”.

b. The agency is purchasing the good or service pursuant to another contract in effect on the effective date of the master contract. However, the agency shall terminate the other contract if the contract permits the termination of the contract without penalty and the agency shall not renew the other contract beyond the current term of the other contract.

[2010 Acts, ch 1031, §73](#)

8A.311B Reciprocal resident bidder and resident labor force preference by state, its agencies, and political subdivisions — penalties.

1. For purposes of [this section](#):

a. “*Nonresident bidder*” means a person or entity who does not meet the definition of a resident bidder.

b. “*Public body*” means the state and any of its political subdivisions, including a school district, public utility, or the state board of regents.

c. “*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.

d. “*Public utility*” includes municipally owned utilities and municipally owned waterworks.

e. “*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.

f. “*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.

2. Notwithstanding [this chapter](#), [chapter 73](#), [chapter 309](#), [chapter 310](#), [chapter 331](#), or [chapter 384](#), when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder 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 state or foreign country in which the nonresident bidder is a resident.

3. If it is determined that this may cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, [this section](#) shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. The public body involved in a public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as

described in [subsection 2](#) is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The director and the department shall administer and enforce [this section](#), and the director shall adopt rules for the administration and enforcement of [this section](#).

6. The director shall have the following powers and duties for the purposes of [this section](#):

a. The director may hold hearings and investigate charges of violations of [this section](#).

b. The director 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 such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of [this section](#). The director shall only make such an entry in response to a written complaint.

c. The director shall develop a written complaint form applicable to [this section](#) and make it available in department offices and on the department's internet site.

d. The director may sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of [this section](#).

e. The director may investigate and ascertain the residency of a worker engaged in any public improvement in this state.

f. The director 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.

g. The director may employ qualified personnel as are necessary for the enforcement of [this section](#). Such personnel shall be employed pursuant to the merit system provisions of [subchapter IV](#) of [this chapter](#).

h. The director shall require a contractor or subcontractor to file, within ten days of receipt of a request, any records enumerated in [subsection 7](#). If the contractor or subcontractor fails to provide the requested records within ten days, the director may direct, within fifteen days after the end of the ten-day period, 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 immediately withhold from payment to the contractor or subcontractor up to twenty-five 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 section](#) has been satisfied.

7. While participating in a public improvement, a nonresident bidder domiciled in a state or country that has established 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 when available, social security number, trade classification, and the starting and ending time of employment.

8. Any person or entity that violates the provisions of [this section](#) is subject to a civil penalty in an amount not to exceed one thousand dollars for each violation found in a first investigation by the department, not to exceed five thousand dollars for each violation found in a second investigation by the department, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the department. Each violation of [this section](#) for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the department shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the department.

9. A party seeking review of the department's determination pursuant to [this section](#) may file a written request for an informal conference. The request must be received by the department within fifteen days after the date of issuance of the department's determination. During the conference, the party seeking review may present written or oral information

and arguments as to why the department's determination should be amended or vacated. The department shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

[84 Acts, ch 1045, §1](#); [85 Acts, ch 67, §5](#)

C85, §23.21

C93, §73A.21

[2008 Acts, ch 1031, §86](#); [2011 Acts, ch 133, §7, 10, 11](#); [2014 Acts, ch 1026, §17](#); [2022 Acts, ch 1032, §16](#); [2023 Acts, ch 19, §1446, 1447, 1459](#)

C2024, §8A.311B

Referred to in [§26.9, 26.16](#)

See also [§8A.311](#)

**"Director" probably intended; corrective legislation is pending

Section transferred from [§73A.21](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1459](#)

Subsection 1, paragraphs a and b stricken and paragraphs c – h redesignated as a – f

Subsections 5, 6, 8, and 9 amended

8A.312 Cooperative purchasing.

The director may purchase items through any agency specifically exempted by law from centralized purchasing as well as from other interstate and intergovernmental entities. The department shall collaborate and cooperate with the state board of regents and institutions under the control of the state board of regents, as provided in [section 262.9B](#), and any other state agency exempt from centralized purchasing to explore joint purchases of general use items that present opportunities to obtain quality goods and services at the lowest reasonable cost.

[2003 Acts, ch 145, §31](#); [2010 Acts, ch 1031, §74](#)

8A.313 Disputes involving purchasing from Iowa state industries.

Disputes arising between the department of corrections and a purchasing department or agency over the procurement of products from Iowa state industries as described in [section 904.808](#) shall be referred to the director. The decision of the director is final unless a written appeal is filed with the executive council within five days of receipt of the decision of the director, excluding Saturdays, Sundays, and legal holidays. If an appeal is filed, the executive council shall hear and determine the appeal within thirty days. The decision of the executive council is final.

[2003 Acts, ch 145, §32](#)

Referred to in [§904.808](#)

8A.314 Purchasing revolving fund.

1. A purchasing revolving fund is established within the department. The director shall keep an accurate itemized account for each state agency purchasing through the department, using services provided for by the department, and using postage supplied by the department.

2. At the end of each month the director shall render a statement to each state agency for the actual cost of items purchased through the department, and the actual cost of services and postage used by the agency. The monthly statement shall also include a fair proportion of the administrative costs of the department during the month. The portion of administrative costs shall be determined by the director subject to review by the executive council upon complaint from any state agency adversely affected.

3. Statements rendered to the various state agencies shall be paid by the state agencies in the manner determined by the department. When the statements are paid the sums shall be credited to the purchasing revolving fund. If any funds accrue to the revolving fund in excess of two hundred twenty-five thousand dollars and there is no anticipated need or use for such funds, the governor shall order the excess funds credited to the general fund of the state.

[2003 Acts, ch 145, §33](#)

8A.315 State purchases — recycled products — soybean-based inks.

1. When purchasing paper products other than printing and writing paper, the department shall, when the price is reasonably competitive and the quality as intended, purchase the recycled product. The department shall also purchase, when the price is reasonably

competitive and the quality as intended, and in keeping with the schedule established in [this subsection](#), soybean-based inks and plastic products with recycled content including but not limited to plastic garbage can liners.

a. One hundred percent of the purchases of inks which are used for newsprint printing services performed internally or contracted for by the department shall be soybean-based.

b. One hundred percent of the purchases of inks, other than inks which are used for newsprint printing services, and which are used internally or contracted for by the department, shall be soybean-based to the extent formulations for such inks are available.

c. A minimum of fifty percent of the purchases of garbage can liners made by the department shall be plastic garbage can liners with recycled content.

d. For purposes of [this subsection](#), “recycled content” means that the content of the product contains a minimum of thirty percent postconsumer material.

2. a. Except as otherwise provided in [this section](#), the department shall purchase and use recycled printing and writing paper so that ninety percent of the volume of printing and writing paper purchased is recycled paper. The recycled printing and writing paper shall meet the requirements for procuring recycled printing and writing paper set forth in [40 C.F.R. pt. 247](#), and in related recovered materials advisory notices issued by the United States environmental protection agency.

b. The department shall establish a prioritization procedure for the purchase of recycled paper which provides for a five percent differential in the cost of the purchase of paper which has been recycled through the use of a nonchlorinated process.

c. If a provision under [this subsection](#) results in the limitation of sources for the purchase of printing and writing paper to three or fewer sources, the department may waive the requirement in order to purchase necessary amounts of printing and writing paper.

d. Notwithstanding the requirements of [this subsection](#) regarding the purchase of recycled printing and writing paper, the department shall purchase acid-free permanent paper in the amount necessary for the production or reproduction of documents, papers, or similar materials produced or reproduced for permanent preservation pursuant to law.

e. Notwithstanding the requirements of [this subsection](#) regarding the purchase of recycled printing and writing paper, the department may purchase printing and writing paper in lieu of recycled paper if the department determines that the purchase will result in significant savings to the state.

3. The department, in conjunction with the department of natural resources, shall review the procurement specifications currently used by the state to eliminate, wherever possible, discrimination against the procurement of products manufactured with recovered materials and soybean-based inks.

4. The department of natural resources shall assist the department in locating suppliers of recycled products and soybean-based inks and collecting data on recycled content and soybean-based ink purchases.

5. Information on recycled content shall be requested on all bids for paper products other than printing and writing paper issued by the state and on other bids for products which could have recycled content such as oil, plastic products, compost materials, aggregate, solvents, soybean-based inks, and rubber products. Except for purchases of printing and writing paper made pursuant to [subsection 2](#), paragraphs “c”, “d”, and “e”, the department shall require persons submitting bids for printing and writing paper to certify that the printing and writing paper proposed complies with the requirements referred to in [subsection 2](#), paragraph “a”.

6. The department, in conjunction with the department of natural resources, shall adopt rules to administer [this section](#).

7. All state agencies shall fully cooperate with the department and with the department of natural resources in all phases of implementing [this section](#).

8. The department, whenever technically feasible, shall purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of [this](#)

subsection, “*packing material*” means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

2003 Acts, ch 145, §34; 2004 Acts, ch 1101, §6; 2011 Acts, ch 127, §34, 89; 2014 Acts, ch 1036, §6; 2015 Acts, ch 30, §1; 2019 Acts, ch 59, §7

Referred to in §8A.315A, 8A.317, 216B.3, 262.9, 307.21

8A.315A Purchase of chain-of-custody paper.

1. Notwithstanding any requirements under [section 8A.315](#) related to the purchase of recycled paper to the contrary, the department may use certified chain-of-custody paper as provided in [this section](#) in lieu of recycled paper. The department shall adopt rules related to the use of chain-of-custody paper.

2. As used in [this section](#), unless the context otherwise requires, “*certified chain-of-custody paper*” means paper that has been certified pursuant to a process that tracks and records the possession and transfer of wood and fiber used to make paper through the different states of production to the end user of the paper. The department shall adopt rules defining “*certified chain-of-custody paper*” consistent with the certification requirements established by independent entities such as the forest stewardship council, sustainable forest initiative, or other similar entity.

2010 Acts, ch 1189, §37

8A.316 Lubricants and oils — preferences.

The department shall do all of the following:

1. Develop its procedures and specifications for the purchase of lubricating oil and industrial oil to eliminate exclusion of recycled oils and any requirement that oils be manufactured from virgin materials.

2. Require that purchases of lubricating oil and industrial oil be made from the seller whose oil product contains the greatest percentage of recycled oil, unless one of the following circumstances regarding a specific oil product containing recycled oil exists:

a. The product is not available within a reasonable period of time or in quantities necessary or in container sizes appropriate to meet a state agency’s needs.

b. The product does not meet the performance requirements or standards recommended by the equipment or vehicle manufacturer, including any warranty requirements.

c. The product is available only at a cost greater than one hundred five percent of the cost of comparable virgin oil products.

3. Establish and maintain a preference program for procuring oils containing the maximum content of recycled oil. The preference program shall include but is not limited to all of the following:

a. The inclusion of the preferences for recycled oil products in publications used to solicit bids from suppliers.

b. The provision of a description of the recycled oil procurement program at bidders’ conferences.

c. Discussion of the preference program in lubricating oil and industrial oil procurement solicitations or invitations to bid.

d. Efforts to inform industry trade associations about the preference program.

4. a. Provide that when purchasing hydraulic fluids, greases, and other industrial lubricants, the department or a state agency authorized by the department to directly purchase hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing biobased hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans.

b. Provide for the implementation of requirements necessary in order to carry out [this subsection](#) by the department or state agency making the purchase, which shall include all of the following:

(1) Including the preference requirements in publications used to solicit bids for hydraulic fluids, greases, and other industrial lubricants.

(2) Describing the preference requirements at bidders’ conferences in which bids for the

sale of hydraulic fluids, greases, and other industrial lubricants are sought by the department or authorized state agency.

(3) Discussing the preference requirements in procurement solicitations or invitations to bid for hydraulic fluids, greases, and other industrial lubricants.

(4) Informing industry trade associations about the preference requirements.

c. As used in [this subsection](#), unless the context otherwise requires:

(1) “*Biobased hydraulic fluids, greases, and other industrial lubricants*” means the same as defined by the United States department of agriculture, if the department has adopted such a definition. If the United States department of agriculture has not adopted a definition, “*biobased hydraulic fluids, greases, and other industrial lubricants*” means hydraulic fluids, greases, and other lubricants containing a minimum of fifty-one percent soybean oil.

(2) “*Other industrial lubricants*” means lubricants used or applied to machinery.

[2003 Acts, ch 145, §35](#); [2005 Acts, ch 19, §10](#); [2011 Acts, ch 25, §3, 4](#)

Referred to in [§8A.311](#), [8A.317](#), [216B.3](#), [260C.19B](#), [262.9](#), [262.25B](#), [307.21](#), [904.312B](#)

8A.317 State purchases — designated biobased products.

1. As used in [this section](#), unless the context otherwise requires:

a. “*Biobased material*” means a material in which carbon is derived in whole or in part from a renewable resource.

b. “*Biobased product*” means a product generated by blending or assembling of one or more biobased materials, either exclusively or in combination with nonbiobased materials, in which the biobased material is present as a quantifiable portion of the total mass of the product.

c. “*Designated biobased product*” means a biobased product and includes a product determined by the United States department of agriculture to be a commercial or industrial product, other than food or feed, that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials including plant, animal, and marine materials, or forestry materials as provided in 7 U.S.C. §8102.

2. The department shall do all of the following:

a. Develop procedures and specifications for the purchase of designated biobased products. The department may develop specifications after consulting guidelines or regulations promulgated by the United States department of agriculture pursuant to section 7 U.S.C. §8102.

b. Require that a purchase of a designated biobased product be made from the seller whose designated biobased product contains the greatest percentage of biobased materials, unless any of the following applies:

(1) The designated biobased product is not available within a reasonable period of time or in quantities necessary or in container sizes appropriate to meet a state agency’s needs.

(2) The designated biobased product does not meet performance requirements or standards recommended by a manufacturer, including any warranty requirements.

(3) The designated biobased product does not meet the functional requirements and evaluation criteria identified in bid documents. Functional requirements to be considered may include but are not limited to the designated biobased product’s conformance with ASTM (American society for testing and materials) international standards.

(4) The purchase of the designated biobased product conflicts with [section 8A.311, subsection 1](#), paragraph “a”.

(5) The designated biobased product is available only at a cost greater than one hundred five percent of the cost of comparable products which are not biobased.

c. Establish and maintain a preference program for procuring the maximum content of biobased materials in biobased products. The preference program shall include but is not limited to all of the following:

(1) The inclusion of preferences for designated biobased products in publications used to solicit bids from suppliers.

(2) The provision of a description of the preference program at bidders’ conferences.

(3) Discussion of the preference program in requests for proposals or invitations to bid.

(4) Efforts to inform industry trade associations about the preference program.

3. [This section](#) does not apply to a biobased product which is subject to requirements for procurement in another provision of [this chapter](#) including but not limited to any of the following:

- a. Soybean-based ink as provided in [section 8A.315](#).
- b. Degradable loose foam packing material manufactured from grain starches or other renewable resources as provided in [section 8A.315](#).
- c. A biobased hydraulic fluid, grease, or other industrial lubricant as provided in [section 8A.316](#).

4. When evaluating a bid for the purchase of designated biobased products, the department may take into consideration warranty provisions and life cycle cost estimates.

[2008 Acts, ch 1104, §2; 2012 Acts, ch 1021, §3](#)

Referred to in [§8A.311, 216B.3, 260C.19C, 262.25C, 307.21, 904.312C](#)

8A.318 Building cleaning and maintenance — environmentally preferable cleaning products.

1. *Findings and intent.* The general assembly finds that human beings are vulnerable to and may be severely affected by exposure to chemicals, hazardous waste, and other environmental hazards. The federal environmental protection agency estimates that human exposure to indoor air pollutants can be two to five times, and up to one hundred times, higher than outdoor levels. Children, teachers, janitors, and other staff members spend a significant amount of time inside school buildings. Likewise, state employees and citizens of this state spend a significant amount of time inside state buildings. These individuals are continuously exposed to chemicals from cleaners, waxes, deodorizers, and other maintenance products.

2. *Definitions.* As used in [this section](#), unless the context otherwise requires:

a. “*Environmentally preferable cleaning and maintenance products*” includes but is not limited to cleaning and maintenance products identified by the department and posted on the department’s internet site.

b. “*State building*” means a public facility or building owned by or leased by the state, or an agency or department of the state.

3. *Use of environmentally preferable cleaning and maintenance products.*

a. All school districts in this state, community colleges, institutions under the control of the state board of regents, and state agencies utilizing state buildings, are encouraged to conform to an environmentally preferable cleaning policy designed to facilitate the purchase and use of environmentally preferable cleaning and maintenance products for purposes of public school, community college, regents institution, and state building cleaning and maintenance.

b. Each school district, community college, institution under the control of the state board of regents, or state agency utilizing public buildings shall conduct an evaluation and assessment regarding implementation of an environmentally preferable cleaning policy pursuant to [this section](#). On or after July 1, 2012, all state agencies, and all school districts, community colleges, and institutions under the control of the state board of regents which have not opted out of compliance pursuant to paragraph “c”, shall purchase only cleaning and maintenance products identified by the department or that meet nationally recognized standards. School districts, community colleges, institutions under the control of the state board of regents, and state agencies procuring supplies for schools and state buildings may deplete their existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following year. [This section](#) shall not be interpreted in a manner that prohibits the use of disinfectants, disinfecting cleaners, sanitizers, or any other antimicrobial product regulated by the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq., when necessary to protect public health and provided that the use of these products is in accordance with responsible cleaning procedure requirements.

c. A school district, community college, or institution under the control of the state board of regents may, based upon the evaluation and assessment conducted pursuant to paragraph “b”, opt out of compliance with the requirements of [this section](#) upon the affirmative vote of a majority of the members of the board of directors of the school district or a determination

by the president of the community college or by the president or administrative officer of the regents institution. A school district, community college, or regents institution opting out of compliance pursuant to this paragraph shall notify the department of education, the state board of education, or the state board of regents, as appropriate, of this decision.

4. *Information requirements — department internet site.* The department shall provide information on the department's internet site regarding environmentally preferable cleaning and maintenance products used by the department. The department may also provide information regarding other cleaning and maintenance products that the department is aware of that meet nationally recognized standards. Information shall also be provided, at the discretion of the department, regarding the nationally recognized standards and the entity establishing the standards.

[2010 Acts, ch 1162, §1](#); [2011 Acts, ch 20, §1](#)

Referred to in [§8A.321](#)

8A.319 and 8A.320 Reserved.

PART 3

PHYSICAL RESOURCES AND FACILITY MANAGEMENT

8A.321 Physical resources and facility management — director duties — appropriation.

In managing the physical resources of government, the director shall perform all of the following duties:

1. Provide for supervision over the custodians and other employees of the department in and about the state laboratories facility in Ankeny and in and about the capitol and other state buildings at the seat of government, except the buildings and grounds referred to in [section 216B.3, subsection 6](#).

2. Institute, in the name of the state, and with the advice and consent of the attorney general, civil and criminal proceedings against any person for injury or threatened injury to any public property, including but not limited to intangible and intellectual property, under the person's control.

3. Under the direction of the governor, provide, furnish, and pay for public utilities service, heat, maintenance, minor repairs, and equipment in operating and maintaining the official residence of the governor of Iowa.

4. Contract, with the approval of the executive council, for the repair, remodeling, or, if the condition warrants, demolition of all buildings and grounds of the state at the seat of government, at the state laboratories facility in Ankeny, and the institutions of the department of health and human services and the department of corrections for which no specific appropriation has been made, if the cost of repair, remodeling, or demolition will not exceed one hundred thousand dollars when completed. The cost of repair projects for which no specific appropriation has been made shall be paid as an expense authorized by the executive council as provided in [section 7D.29](#).

5. Dispose of all personal property of the state under the director's control as provided by [section 8A.324](#) when it becomes unnecessary or unfit for further use by the state. If the director concludes that the personal property is contaminated, contains hazardous waste, or is hazardous waste, the director may charge the state agency responsible for the property for removal and disposal of the personal property. The director shall adopt rules establishing the procedures for inspecting, selecting, and removing personal property from state agencies or from state storage.

6. a. Lease all buildings and office space necessary to carry out the provisions of [this subchapter](#) or necessary for the proper functioning of any state agency wherever located throughout the state. For state agencies at the seat of government, the director may lease buildings and office space in Polk county or in a county contiguous to Polk county. If no specific appropriation has been made, the proposed lease shall be submitted to the

executive council for authorization and if authorized lease expense shall be paid from the appropriations addressed in [section 7D.29](#). An office space lease shall not be terminated at a time when either contract damages or early termination penalties may be applicable for doing so. Additionally, the director shall also develop cooperative relationships with the state board of regents in order to promote colocation of state agencies.

b. When the general assembly is not in session, the director may request an expense authorization from the executive council for moving state agencies from one location to another. The request may include moving costs, telecommunications costs, repair costs, or any other costs relating to the move. The executive council may authorize the expenses and may authorize the expenses to be paid from the appropriations addressed in [section 7D.29](#) if it determines the agency or department does not have funds available for these expenses.

c. (1) Prior to replacing or renovating publicly owned buildings or relocating any state agencies at the seat of government to any space in publicly owned buildings, the department shall issue a request for proposals for leasing privately owned office space for state employees in the downtown area of the city of Des Moines and shall use such proposals to compare the costs of privately owned space to publicly owned space. The department shall locate state employees in office space in the most cost-efficient manner possible. In determining cost efficiency, the department shall consider all costs of the publicly owned space, the costs of the original acquisition of the publicly owned space, the costs of tenant improvements to the publicly owned space, and the anticipated economic and useful life of the publicly owned building space.

(2) Subparagraph (1) shall not apply when emergency circumstances exist. Actions taken during an emergency which would otherwise violate subparagraph (1) shall be limited in scope and duration to meet the emergency. An emergency includes but is not limited to a condition that does any of the following:

(a) Threatens public health, welfare, or safety.

(b) 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.

(c) In which the department or agency must act to preserve critical services or programs.

(d) In which the need is a result of events or circumstances not reasonably foreseeable.

d. [This subsection](#) shall not apply to the department of public defense or the armory board.

7. Unless otherwise provided by law, coordinate the location, design, plans and specifications, construction, and ultimate use of the real or personal property to be purchased by a state agency for whose benefit and use the property is being obtained.

a. If the purchase of real or personal property is to be financed pursuant to [section 12.28](#), the department shall cooperate with the treasurer of state in providing the information necessary to complete the financing of the property.

b. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the treasurer of state pursuant to [section 12.28](#) is exempt from [section 8A.311, subsections 1 and 11](#), unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the treasurer of state under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

8. a. With the authorization of a constitutional majority of each house of the general assembly and approval by the governor, dispose of real property belonging to the state on the capitol complex upon terms, conditions, and consideration as the director may recommend. The proceeds of the sale of real property under this paragraph shall be deposited with the treasurer of state and credited to the general fund of the state.

b. Except as provided in paragraph "a" and with the authorization of a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session, and subsequent approval by the governor, the director may dispose of real property belonging to the state and its state agencies upon terms, conditions, and consideration as the director may determine. However, if the real property is under the jurisdiction or control of an agency of this state which has the express statutory power to dispose of the real property, the agency must approve the director's proposed plan of disposition of that real property prior to the director's submission of the proposed plan of

disposition for approval as provided by this paragraph. The approval by a state agency with the express statutory power to dispose of the real property shall be in the same method and manner as the sale or disposition of the real property by the state agency. If real property subject to sale has been purchased or acquired from appropriated funds, the proceeds of the sale shall be deposited with the treasurer of state and credited to the general fund of the state or other fund from which appropriated. There is appropriated from that same fund, with the prior approval of the executive council and in cooperation with the director, a sum equal to the proceeds so deposited and credited to the state agency to which the disposed real property belonged or by which it was used, for purposes of the state agency.

9. a. With the approval of the executive council pursuant to [section 7D.29](#) or pursuant to other authority granted by law, acquire real property to be held by the department in the name of the state as follows:

(1) By purchase, lease, option, gift, grant, bequest, devise, or otherwise.

(2) By exchange of real property belonging to the state for property belonging to another person.

b. If real property acquired by the department in the name of the state is subject to a lease in effect at the time of acquisition, the director may honor and maintain the existing lease subject to the following requirements:

(1) The lease shall not be renewed beyond the term of the existing lease including any renewal periods under the lease that are solely at the discretion of the lessee.

(2) The lease shall not be renewed by the department as the lessor if the lessor has discretion to not renew under the existing lease.

(3) The lease shall not be maintained for a period in excess of ten years from the date of acquisition of the real property, including any renewal periods, without the approval of the executive council.

(4) The lease shall not be maintained if the lessee at the time of the acquisition ceases to occupy the leased property.

10. Subject to the selection procedures of [section 12.30](#), employ financial consultants, banks, insurers, underwriters, accountants, attorneys, and other advisors or consultants necessary to implement the provisions of [subsection 7](#).

11. Prepare annual status reports for all capital projects in progress of the department, and submit the status reports to the legislative services agency and the department of management on or before January 15 of each year.

12. In carrying out the requirements of [section 64.6](#), purchase an individual or a blanket surety bond insuring the fidelity of state officers. The department may self-assume or self-insure fidelity exposures for state officials and employees. A state official is deemed to have furnished surety if the official has been covered by a program of insurance or self-insurance established by the department. To the extent possible, all bonded state employees shall be covered under one or more blanket bonds or position schedule bonds.

13. Review the management of state property loss exposures and state liability risk exposures for the capitol complex. Insurance coverage may include self-insurance or any type of insurance protection sold by insurers, including, but not limited to, full coverage, partial coverage, coinsurance, reinsurance, and deductible insurance coverage.

14. Establish a monument maintenance account in the state treasury under the control of the department. Funds for the maintenance of a state monument, whether received by gift, devise, bequest, or otherwise, shall be deposited in the account. Funds in the account shall be deposited in an interest-bearing account. Notwithstanding [section 12C.7](#), interest earned on the account shall be deposited in the account and shall be used to maintain the designated monument. Any maintenance funds for a state monument held by the state and interest earned on the funds shall be used to maintain the designated monument. Notwithstanding [section 8.33](#), funds in the monument maintenance account at the end of a fiscal year shall not revert to the general fund of the state.

15. Prepare an annual report listing any state building, as defined in [section 8A.318](#), that is vacant and submit the annual report to the legislative services agency and the department of management on or before January 15 of each year.

16. At least thirty days prior to entering into a contract for a lease or renewal of a

lease pursuant to [subsection 6](#) or a contract for the acquisition of real property pursuant to [subsection 9](#) in which any part or the total amount of the contract is at least fifty thousand dollars, notify the legislative services agency concerning the contract. The legislative services agency shall submit the notification to the general assembly's standing committees on government oversight. The notification is required regardless of the source of payment for the lease, renewal of lease, or acquisition of real property. The notification shall include all of the following information:

- a. A description of the buildings and office space subject to the lease or renewal of lease or a description of the real property to be acquired.
- b. The proposed terms of the contract.
- c. The cost of the contract, including principal and interest costs. If the actual cost of a contract is not known at least thirty days prior to entering into the contract, the director shall estimate the principal and interest costs for the contract.
- d. An identification of the means and source of payment of the contract.
- e. An analysis of consequences of delaying or abandoning the commencement of the contract.

2003 Acts, ch 145, §36; 2004 Acts, ch 1101, §7; 2006 Acts, ch 1179, §36; 2006 Acts, ch 1182, §56; 2007 Acts, ch 115, §7; 2007 Acts, ch 219, §31; 2008 Acts, ch 1032, §201; 2009 Acts, ch 28, §1; 2011 Acts, ch 122, §9, 10; 2011 Acts, ch 127, §35, 89; 2011 Acts, ch 131, §16, 17, 158; 2011 Acts, ch 133, §23, 50; 2012 Acts, ch 1072, §1; 2014 Acts, ch 1036, §7; 2019 Acts, ch 137, §9; 2021 Acts, ch 92, §2; 2023 Acts, ch 19, §7; 2023 Acts, ch 130, §1

Referred to in §7E.5B, 8A.111, 8A.327, 8A.702, 8A.708, 99D.5, 99D.6
Subsections 4 and 8 amended

8A.322 Buildings and grounds — services — public use — pistols or revolvers.

1. The director shall provide necessary lighting, fuel, and water services for the state laboratories facility in Ankeny and for the state buildings and grounds located at the seat of government, except the buildings and grounds referred to in [section 216B.3, subsection 6](#).

2. Except for buildings and grounds described in [section 216B.3, subsection 6](#); [section 2.43, subsection 1](#); and any buildings under the custody and control of the Iowa public employees' retirement system, the director shall assign office space at the capitol, other state buildings, and elsewhere in the city of Des Moines, and the state laboratories facility in Ankeny, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "capitol" or "capitol building" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The capitol building itself is reserved for the operations of the general assembly and the governor, and, for ceremonial purposes, for the courts. The assignment and use of physical facilities for the general assembly shall be pursuant to [section 2.43](#).

3. The director shall establish, publish, and enforce rules regulating and restricting the use by the public of the capitol buildings and grounds and of the state laboratories facility in Ankeny. The rules when established shall be posted in conspicuous places about the capitol buildings and grounds and the state laboratories facility, as applicable. Any person violating any rule, except a parking regulation, shall be guilty of a simple misdemeanor. The rules shall prohibit a person, other than a peace officer, from openly carrying a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages. However, [this subsection](#) shall not be construed to allow the director to prohibit the lawful carrying, transportation, or possession of any pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages by any person regardless of whether the person has a valid permit to carry weapons.

2003 Acts, ch 145, §37; 2004 Acts, ch 1101, §8; 2017 Acts, ch 69, §33; 2017 Acts, ch 170, §21; 2021 Acts, ch 35, §6

8A.323 Parking regulations.

1. The director shall establish, publish, and enforce rules regulating, restricting, or prohibiting the use by state officials, state employees, and the public, of motor vehicle parking facilities at the state capitol complex and at the state laboratories facility in Ankeny. The assignment of legislative parking spaces shall be under the control of the legislative council. The rules established by the director may establish fines for violations and a procedure for payment of the fines. The director may order payment of a fine and enforce the order in the district court.

2. Motor vehicles parked in violation of the rules may be removed without the owner's or operator's consent and at the owner's or operator's expense. Motor vehicles removed and not claimed within thirty days of their removal or vehicles abandoned within the capitol grounds may be disposed of in accordance with the provisions of [sections 321.85 through 321.91](#).

3. The parking rules established shall be posted in conspicuous places at the capitol complex and at the state laboratories facility in Ankeny, as applicable. Copies of the rules shall be made available to all state officials and employees and any other person who requests a copy of the rules.

4. Except as provided in [subsection 5](#), all fines collected by the department shall be forwarded to the treasurer of state and deposited in the general fund of the state.

5. Any fine that remains unpaid upon becoming delinquent may be collected by the department of revenue pursuant to the setoff procedures provided for in [421.65](#). For purposes of [this subsection](#), a fine becomes delinquent if it has not been paid within thirty days of the date of the issuance of the parking citation, unless a written request for a hearing is filed as provided pursuant to the rules of the department of revenue. If an appeal is filed and the citation is upheld, the fine becomes delinquent ten days after the issuance of the final decision on the appeal or thirty-one days after the date of the issuance of the parking citation, whichever is later.

[2003 Acts, ch 145, §38; 2005 Acts, ch 52, §4, 5; 2020 Acts, ch 1064, §1, 28; 2020 Acts, ch 1118, §73, 74](#)

2020 amendment to subsection 5 is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28; 2020 Acts, ch 1118, §73, 74; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72

Subsection 5 amended

8A.324 Disposal of personal property.

1. The director may dispose of personal property of the state under the director's control by any of the following means:

a. The director may dispose of unfit or unnecessary personal property by sale. Proceeds from the sale of personal property shall be deposited in the general fund of the state.

b. If the director concludes that the personal property has little or no value, the director may enter into an agreement with a not-for-profit organization or governmental agency to dispose of the personal property.

c. The director may dispose of presses, printing equipment, printing supplies, and other machinery or equipment used in the printing operation.

2. A not-for-profit organization or governmental agency that enters into an agreement with the director pursuant to [subsection 1](#) may charge the state agency in control of the property with the cost of removing and transporting the property. Title to the personal property shall transfer when the personal property is in the possession of the not-for-profit organization or governmental agency. If a governmental agency adds value to the property transferred to it and sells it, the proceeds from the sale shall be deposited with the governmental agency and not in the general fund of the state. The not-for-profit organization or governmental agency may sell or otherwise transfer the personal property received from the department to any person that the department would be able to sell or otherwise transfer such property to under [this chapter](#), including but not limited to the general public. The authority granted to sell or otherwise transfer personal property pursuant to [this subsection](#) supersedes any other restrictions applicable to the not-for-profit organization

or governmental agency, but only for purposes of the personal property received from the department.

[2003 Acts, ch 145, §39](#); [2005 Acts, ch 52, §6](#); [2006 Acts, ch 1030, §2](#); [2008 Acts, ch 1031, §76](#)
Referred to in [§8A.321, 8A.702](#)

8A.325 Services and commodities accepted.

The director may accept services, commodities, and surplus property and make provision for warehousing and distribution to various departments and governmental subdivisions of the state, and such other agencies, institutions, and authorized recipients within the state as may be from time to time designated in federal statutes and rules.

[2003 Acts, ch 145, §40](#)
Referred to in [§809A.17](#)

8A.326 Terrace Hill commission.

1. The Terrace Hill commission is created consisting of nine persons, appointed by the governor, who are knowledgeable in business management and historic preservation and renovation. The governor shall appoint the chairperson. The terms of the commission members are for three years beginning on July 1 and ending on June 30.

2. The governor may appoint an administrator of the Terrace Hill facility who may perform any acts which are necessary or desirable to coordinate the administration of the Terrace Hill facility.

3. The purpose of the Terrace Hill commission is to provide for the preservation, maintenance, renovation, landscaping, and administration of the Terrace Hill facility. The Terrace Hill facility includes the Terrace Hill mansion, carriage house, grounds, historical collections, and all other related property.

4. The Terrace Hill commission may enter into contracts, subject to [this chapter](#), to execute its purposes, including, without limitation, contracts authorizing nonprofit organizations acting solely for the benefit and support of the Terrace Hill facility to do any of the following:

a. Solicit funds and accept donations, gifts, and bequests approved by the commission and in accordance with priorities established by the commission.

b. Administer a Terrace Hill membership program.

c. Maintain the Terrace Hill historical collections.

d. Establish and maintain an endowment fund for musical arts for purposes of funding and conducting piano competitions and providing scholarships to select competition participants.

5. The commission may adopt rules to administer the programs of the commission. The decision of the commission is final agency action under [chapter 17A](#).

[2003 Acts, ch 145, §41](#); [2013 Acts, ch 135, §63 – 65](#); [2018 Acts, ch 1073, §1](#)

8A.327 Rent revolving fund created — purpose.

1. A rent revolving fund is created in the state treasury under the control of the department to be used by the department to pay the lease or rental costs of all buildings and office space necessary for the proper functioning of any state agency, except the department of public defense or the armory board, wherever located throughout the state as provided in [section 8A.321, subsection 6](#), except that this fund shall not be used to pay the rental or lease costs of a state agency which has not received funds budgeted for rental or lease purposes.

2. The director shall pay the lease or rental fees to the renter or lessor and submit a monthly statement to each state agency for which building and office space is rented or leased. If the director pays the lease or rental fees on behalf of a state agency, the state agency's payment to the department shall be credited to the rent revolving fund established by [this section](#). With the approval of the director, a state agency may pay the lease or rental cost directly to the person who is due the payment under the lease or rental agreement.

[2003 Acts, ch 145, §42](#); [2011 Acts, ch 127, §36, 89](#); [2012 Acts, ch 1072, §2](#)
Referred to in [§8A.708](#)

8A.328 Recycling revolving fund.

A recycling revolving fund is created within the state treasury under the control of the department. The fund shall consist of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund. The assets of the fund shall be used by the department only for supporting recycling operations. Moneys in the fund shall be drawn upon the written requisition of the director or an authorized representative of the director. The fund is subject to an annual audit by the auditor of state. [Section 8.33](#) does not apply to any moneys in the fund. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund.

[2003 Acts, ch 145, §43](#)

8A.329 Wastepaper recycling program.

1. The department in accordance with recommendations made by the department of natural resources shall require all state agencies to establish an agency wastepaper recycling program. The director shall adopt rules which require a state agency to develop a program to ensure the recycling of the wastepaper generated by the agency. All state employees shall practice conservation of paper materials.

2. For the purposes of [this section](#), “agency wastepaper” means wastepaper or wastepaper products generated by the agency.

3. The rules adopted by the director shall provide for the continuation of existing state agency contracts which provide for alternative waste management not including incineration or land burial of agency wastepaper.

[2003 Acts, ch 145, §44](#)

Referred to in [§216B.3, 262.9, 307.21](#)

8A.330 Routine maintenance fund — appropriation.

1. A routine maintenance fund is created in the state treasury under the control of the department. The fund shall consist of all moneys appropriated to the fund.

2. There is appropriated from the rebuild Iowa infrastructure fund to the department for deposit in the routine maintenance fund, for the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, the sum of two million dollars.

3. Moneys in the routine maintenance fund are appropriated to the department for purposes of routine maintenance projects for state buildings and facilities, excluding buildings and facilities under the control of the state board of regents, state department of transportation, department of natural resources, and department of public defense. For purposes of [this section](#), routine maintenance includes regular upkeep of physical properties and recurring, preventive, and ongoing maintenance necessary to delay or prevent the failure of physical properties.

4. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the routine maintenance fund shall be credited to the routine maintenance fund. Notwithstanding [section 8.33](#), moneys credited to the routine maintenance fund shall not revert at the close of a fiscal year.

[2018 Acts, ch 1162, §17; 2019 Acts, ch 137, §10](#)

8A.331 through 8A.340 Reserved.

PART 4

PRINTING

8A.341 State printing — duties.

The director shall do all of the following as it relates to printing:

1. Provide general supervision of all matters pertaining to public printing, including the enforcement of contracts for printing, except as otherwise provided by law. The supervision shall include providing guidelines for the letting of contracts for printing, the manner, form,

style, and quantity of public printing, and the specifications and advertisements for public printing. In addition, the director shall have charge of office equipment and supplies and of the stock, if any, required in connection with printing contracts.

2. If money is appropriated for this purpose, by November 1 of each year supply a report which contains the name, gender, county, or city of residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the director, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be distributed upon request without charge in an electronic medium to each caucus of the general assembly, the legislative services agency, the chief clerk of the house of representatives, and the secretary of the senate. Copies of the report shall be made available to other persons in an electronic medium upon payment of a fee, which shall not exceed the cost of providing the copy of the report. [Sections 22.2 through 22.5](#) apply to the report. All funds from the sale of the report shall be deposited in the printing revolving fund established in [section 8A.345](#).

3. Deposit receipts from the sale of presses, printing equipment, printing supplies, and other machinery or equipment used in the printing operation in the printing revolving fund established in [section 8A.345](#).

[2003 Acts, ch 35, §46, 49; 2003 Acts, ch 145, §45; 2005 Acts, ch 52, §7; 2011 Acts, ch 106, §1, 17](#)

Referred to in [§8A.111](#)

Style, publication, and distribution of Iowa Code, Iowa Acts, Iowa administrative code, Iowa administrative bulletin, and Iowa court rules; [§2.42, 2A.5, 2A.6](#)

8A.342 Contracts with state institutions.

The director may, without advertising for bids, enter into contracts or make provision for doing any of the work coming under the provisions of [chapter 7A](#) and [this subchapter](#) at any school or institution under the ownership or control of the state. The work shall be done under conditions substantially the same as those provided for in the case of contracts with individuals and the same standard of quality or product shall be required.

[2003 Acts, ch 145, §46](#)

8A.343 Specifications and requirements.

The director shall, from time to time, adopt and print specifications and requirements covering all matters relating to printing that are the subject of contracts.

[2003 Acts, ch 145, §47](#)

8A.344 Public printing — bidding procedures.

1. The director shall advertise for bids for public printing. Advertisements shall state where and how specifications and other necessary information may be obtained, the time during which the director will receive bids, and the day, hour, and place when bids will be publicly opened or accessed, and the manner by which the contracts will be awarded.

2. The director shall supply prospective bidders and others on request with the specifications and requirements, blank forms for bids, samples of printing so far as possible, and all other information pertaining to the subject.

3. The specifications shall be kept on file in the office of the director, open to public inspection, together with samples so far as possible, of the work to be done or the material to be furnished.

4. Bids submitted must be:

a. Secured in writing, by telephone, by facsimile, or in a format prescribed by the director as indicated in the bid specifications.

b. Signed by the bidder, or if a telephone or electronic bid, confirmed by the bidder in a manner prescribed by the director.

c. Submitted in a format prescribed by the director which reasonably assures the authenticity of the bid and the bidder's identity.

d. Submitted to the department as specified by the date and time established in the advertisements for bids.

5. When a bidder submits a bid to the department, the director may require the bidder to file a bid bond or a certified or cashier's check payable to the treasurer of state in an amount to be fixed in the bid specifications, either covering all classes or items or services, or separate certified or cashier's checks for each bid in case the bidder makes more than one bid. In lieu of a certified or cashier's check, the bidder may furnish a yearly bond in an amount to be established by the director. Certified or cashier's checks deposited by unsuccessful bidders, and by successful bidders when they have entered into the contract, shall be returned to them.

6. All bids shall be publicly opened or accessed and read and the contracts awarded in the manner designated in the bid specifications. In the award of a contract, due consideration shall be given to the price bid, mechanical and other equipment proposed to be used by the bidder, the financial responsibility of the bidder, the bidder's ability and experience in the performance of similar contracts, and any other factors that the department determines are relevant and that are included in the bid specifications.

7. The director shall have the right to reject any or all bids, and in case of rejection or because of failure of a bidder to enter into a contract, the director may advertise for and secure new bids.

8. When the director is satisfied that bidders have presented bids pursuant to an agreement, understanding, or combination to prevent free competition, the director shall reject all of them and readvertise for bids as in the first instance.

[2003 Acts, ch 145, §48](#)

8A.345 Printing revolving fund.

A revolving fund is created in the state treasury under the control of the department and may be used in making payments for supplying paper stock, offset printing, copy preparation, binding, distribution costs, and original payment of printing and binding claims for any of the state departments, bureaus, commissions, or institutions. All salaries and expenses properly chargeable to the fund shall be paid from the fund. The director may also use the fund for the purchase of replacement or additional equipment if a sufficient balance will remain in the fund to enable the continued operation of the printing operations of the department.

[2003 Acts, ch 145, §49](#)

Referred to in [§7A.27](#), [8A.341](#)

8A.346 through 8A.350 Reserved.

PART 5

DOCUMENT MANAGEMENT

8A.351 Distribution of documents — general provisions.

If money is appropriated for this purpose, the director shall do all of the following:

1. The director shall require from officials or heads of departments mailing lists, or addressed labels or envelopes, for use in distribution of reports and documents. The director shall revise such lists, eliminating duplications and adding to the lists libraries, institutions, public officials, and persons having actual use for the material. The director shall arrange the lists so as to reduce to the minimum the postage or other cost for delivery. Requests for publications shall be handled only upon receipt of postage by the director from the requesting agency or department.

2. The director shall furnish the various officials and departments with copies of their

reports needed for office use or to be distributed to persons requesting the reports. Requests for publications shall be handled only upon receipt of postage by the director.

3. The director may send additional copies of publications to other state officials, individuals, institutions, libraries, or societies that may request them. Requests for publications shall be handled only upon receipt of postage by the director.

[2003 Acts, ch 145, §50](#)

8A.352 through 8A.359 Reserved.

PART 6

FLEET MANAGEMENT

8A.360 Special definitions.

As used in [this part](#), unless the context otherwise requires:

1. “*Biodiesel blended fuel*” means the same as defined in [section 214A.1](#).
2. “*Biofuel*” means the same as defined in [section 214A.1](#).
3. “*Determination period*” means any twelve-month period beginning January 1 and ending December 31.
4. “*Ethanol blended gasoline*” means the same as defined in [section 214A.1](#).
5. “*Qualified renewable fuel*” means ethanol blended gasoline or biodiesel blended fuel that meets the standards and classifications for that type of motor fuel as provided in [section 214A.2](#).

[2022 Acts, ch 1067, §33](#)

8A.360A Classification of qualified renewable fuels.

For purposes of [this part](#), a qualified renewable fuel must meet the same standards and classifications as provided in [section 214A.2](#).

[2022 Acts, ch 1067, §34](#)

8A.361 Vehicle assignment — authority in department.

The department shall provide for the assignment of all motor vehicles utilized by all state officers and employees, and by all state offices, departments, bureaus, and commissions, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other agencies exempted by law.

[2003 Acts, ch 145, §51; 2011 Acts, ch 127, §37, 89](#)

Referred to in [§8A.366](#)

8A.362 Fleet management — powers and duties — fuel economy requirements.

1. The director may provide for the assignment to a state officer or employee or to a state agency, of one or more motor vehicles which may be required by the state officer or employee or state agency, after the state officer or employee or state agency has shown the necessity for such transportation. The director may assign a motor vehicle either for part-time or full-time use. The director may revoke the assignment at any time.

2. The director may cause all state-assigned motor vehicles to be inspected periodically. Whenever the inspection reveals that repairs have been improperly made on the motor vehicle or that the operator is not giving the motor vehicle the proper care, the director shall report this fact to the head of the state agency to which the motor vehicle has been assigned, together with recommendation for improvement.

3. *a.* The director shall provide for a record system for the keeping of records of the total number of miles state-assigned motor vehicles are driven and the per-mile cost of operation of each motor vehicle. Every state officer or employee shall keep a record book to be furnished by the director in which the officer or employee shall enter all purchases of gasoline, lubricating oil, grease, and other incidental expense in the operation of the motor vehicle assigned to the officer or employee, giving the quantity and price of each purchase, including the cost and nature of all repairs on the motor vehicle. Each operator

of a state-assigned motor vehicle shall promptly prepare a report at the end of each month on forms furnished by the director and forwarded to the director, giving the information the director may request in the report. Each month, the director shall compile the costs and mileage of state-assigned motor vehicles from the reports and keep a cost history for each motor vehicle and the costs shall be reduced to a cost-per-mile basis for each motor vehicle. The director shall call to the attention of an elected official or the head of any state agency to which a motor vehicle has been assigned any evidence of the mishandling or misuse of a state-assigned motor vehicle which is called to the director's attention.

b. The director shall provide for the purchase and operation of motor vehicles using qualified renewable fuels and for the purchase of qualified renewable fuels used to operate those motor vehicles as provided in [section 8A.368](#).

4. a. The director shall provide for the purchase of motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted by law, which are not rented or leased pursuant to [section 8A.367](#). The director shall purchase new vehicles in accordance with competitive bidding procedures for items or services as provided in [this subchapter](#). The director may purchase used or preowned vehicles at governmental or dealer auctions if the purchase is determined to be in the best interests of the state.

b. The director, and any other state agency, which for purposes of [this subsection](#) includes but is not limited to community colleges and institutions under the control of the state board of regents, or local governmental subdivisions purchasing new motor vehicles, shall purchase motor vehicles and light trucks, which are not rented or leased pursuant to [section 8A.367](#), so that the average fuel efficiency for the fleet of new passenger vehicles and light trucks purchased in that year equals or exceeds the average fuel economy standard for the vehicles' model year as established by the United States secretary of transportation under 15 U.S.C. §2002. This paragraph does not apply to vehicles purchased for law enforcement purposes or used for off-road maintenance work, or work vehicles used to pull loaded trailers.

c. The director shall assign motor vehicles available for use to maximize the average passenger miles per gallon of motor fuel consumed. In assigning motor vehicles, the director shall consider standards established by the director, which may include but are not limited to the number of passengers traveling to a destination, the fuel economy of and passenger capacity of vehicles available for assignment, and any other relevant information, to assure assignment of the most energy-efficient vehicle or combination of vehicles for a trip from those vehicles available for assignment. The standards shall not apply to special work vehicles and law enforcement vehicles. The standards shall apply to the following agencies:

- (1) State department of transportation.
- (2) Institutions under the control of the state board of regents.
- (3) Department for the blind.
- (4) Any other state agency exempted from obtaining vehicles for use through the department.

d. As used in paragraph "c", "*fuel economy*" means the average number of miles traveled by an automobile per gallon of gasoline consumed as determined by the United States environmental protection agency administrator in accordance with 26 U.S.C. §4064(c).

5. All used motor vehicles turned in to the director shall be disposed of by public auction, and the sales shall be advertised in a newspaper of general circulation one week in advance of sale, and the receipts from the sale shall be deposited in the depreciation fund to the credit of the state agency turning in the vehicle; except that, in the case of a used motor vehicle of special design, the director may, instead of selling it at public auction, authorize the motor vehicle to be traded for another vehicle of similar design. If a vehicle sustains damage and the cost to repair exceeds the wholesale value of the vehicle, the director may dispose of the motor vehicle by obtaining two or more written salvage bids and the vehicle shall be sold to the highest responsible bidder.

6. The director may authorize the establishment of motor pools consisting of a number of state-assigned motor vehicles under the director's supervision. The director may store the motor vehicles in a public or private garage. If the director establishes a motor pool, any state

officer or employee desiring the use of a state-assigned motor vehicle on state business shall notify the director of the need for a vehicle within a reasonable time prior to actual use of the motor vehicle. The director may assign a motor vehicle from the motor pool to the state officer or employee, or from the vendor awarded a contract pursuant to [section 8A.367](#). If two or more state officers or employees desire the use of a state-assigned motor vehicle for a trip to the same destination for the same length of time, the director may assign one vehicle to make the trip.

7. The director shall require that a sign be placed on each state-owned motor vehicle in a conspicuous place which indicates its ownership by the state. This requirement shall not apply to motor vehicles requested to be exempt by the director or by the commissioner of public safety. All state-owned motor vehicles shall display registration plates bearing the word “official” except motor vehicles requested to be furnished with ordinary plates by the director or by the commissioner of public safety pursuant to [section 321.19](#). The director shall keep an accurate record of the registration plates used on all state-owned motor vehicles. [This subsection](#) shall not apply to an assigned vehicle rented or leased pursuant to [section 8A.367](#).

8. All fuel used in state-assigned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of health and human services, or state motor pools throughout the state, unless the state-owned sources for the purchase of fuel are not reasonably accessible. If the director determines that state-owned sources for the purchase of fuel are not reasonably accessible, the director shall authorize the purchase of fuel from other sources. The director may prescribe a manner, other than the use of the revolving fund, in which the purchase of fuel from state-owned sources is charged to the state agency responsible for the use of the motor vehicle. The director shall prescribe the manner in which oil and other normal motor vehicle maintenance for state-owned motor vehicles may be purchased from private sources, if they cannot be reasonably obtained from a state motor pool. The director may advertise for bids and award contracts in accordance with competitive bidding procedures for items and services as provided in [this subchapter](#) for furnishing fuel, oil, grease, and vehicle replacement parts for all state-owned motor vehicles. The director and other state agencies, when advertising for bids for gasoline, shall also seek bids for ethanol blended gasoline.

2003 Acts, ch 145, §52; 2006 Acts, ch 1142, §57, 58, 83; 2007 Acts, ch 115, §8; 2008 Acts, ch 1169, §36, 42; 2009 Acts, ch 108, §4, 41; 2011 Acts, ch 118, §50, 89; 2011 Acts, ch 127, §38 – 40, 58, 89; 2014 Acts, ch 1036, §8; 2022 Acts, ch 1067, §35; 2023 Acts, ch 19, §8

Referred to in [§8A.366](#), [8A.368](#), [262.25A](#)

Marking vehicles generally, [§721.8](#)

“Official” plates, [§321.19](#), [321.170](#)

Subsection 8 amended

8A.363 Private use prohibited — rate for state business.

1. A state officer or employee shall not use a state-assigned motor vehicle for personal private use. A state officer or employee shall not be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the director. In that case the state officer or employee shall receive an amount to be determined by the director. The amount shall not exceed the maximum allowable under the federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. However, the director may authorize private motor vehicle rates in excess of the rate allowed under the federal internal revenue service rules for state business use of substantially modified or specially equipped privately owned vehicles required by persons with disabilities. A statutory provision establishing reimbursement for necessary mileage, travel, or actual expenses to a state officer falls under the private motor vehicle mileage rate limitation provided in [this section](#) unless specifically provided otherwise. Any peace officer employed by the state as defined in [section 801.4](#) who is required to use a private motor vehicle in the performance of official duties shall receive the private vehicle mileage rate at the rate provided in [this section](#). However, the director may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director. If a motor vehicle has been assigned

to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned motor vehicle unless the motor vehicle assigned is not usable.

2. [This section](#) does not apply to any of the following:

- a. Officials and employees of the state whose mileage is paid other than by a state agency.
- b. Elected officers of the state.
- c. Judicial officers or court employees.

d. Members and employees of the general assembly who shall be governed by policies relating to motor vehicle travel, including but not limited to reimbursement for expenses, if such policies are otherwise established by the general assembly.

[2003 Acts, ch 145, §53; 2011 Acts, ch 127, §41, 58, 89](#)

Referred to in [§2.10, 8A.366, 13B.5, 307.12](#)

See also [§70A.9, 602.1509](#)

8A.364 Fleet management revolving fund — replenishment.

1. A fleet management revolving fund is created in the state treasury under the control of the department. There is appropriated from moneys in the state treasury not otherwise appropriated the sum of twenty-five thousand dollars to the revolving fund. All purchases of gasoline, oil, tires, repairs, and all other general expenses incurred in the operation of state-assigned motor vehicles, and all salaries and expenses of employees providing fleet management services shall be paid from this fund.

2. At the end of each month the director shall render a statement to each state department or agency for the actual cost of operation of all motor vehicles assigned to such department or agency, together with a fair proportion of the administrative costs for providing fleet management services during such month, as determined by the director, all subject to review by the executive council upon complaint of any state department or agency adversely affected. Such expenses shall be paid by the state departments or agencies in the same manner as other expenses of such department are paid, and when such expenses are paid, such sums shall be credited to the fleet management revolving fund. If any surplus accrues to the revolving fund in excess of twenty-five thousand dollars for which there is no anticipated need or use, the governor may order such surplus transferred to the general fund of the state.

[2003 Acts, ch 145, §54; 2011 Acts, ch 127, §58, 89](#)

Referred to in [§8A.366, 8A.367](#)

8A.365 Vehicle replacement — depreciation fund.

1. The director shall maintain a depreciation fund for the purchase of replacement motor vehicles and additions to the fleet. The director's records shall show the total funds deposited by and credited to each department or agency. At the end of each month, the director shall render a statement to each state department or agency for additions to the fleet and total depreciation credited to that department or agency. Such depreciation expense shall be paid by the state departments or agencies in the same manner as other expenses are paid, and shall be deposited in the depreciation fund to the credit of the department or agency. The funds credited to each department or agency shall remain the property of the department or agency. However, at the end of each biennium, the director shall cause to revert to the fund from which it accumulated any unassigned depreciation.

2. The department of corrections is not obligated to pay the depreciation expense otherwise required by [this section](#).

[2003 Acts, ch 145, §55](#)

Referred to in [§8A.366](#)

8A.366 Violations — withdrawing use of vehicle.

If any state officer or employee violates any of the provisions of [sections 8A.361 through 8A.365](#), the director may withdraw the assignment of any state-assigned motor vehicle to any such state officer or employee.

[2003 Acts, ch 145, §56; 2011 Acts, ch 127, §58, 89](#)

8A.367 State-owned passenger vehicles — disposition and sale — fleet privatization.

1. For purposes of [this section](#), "passenger vehicles" means United States environmental

protection agency designated compact sedans, compact wagons, midsize sedans, midsize wagons, full-size sedans, and passenger minivans, and additional vehicle classes determined by the department to be able to be reasonably supported by a private entity for rental or leasing. “*Passenger vehicles*” does not mean utility vehicles, vans other than passenger minivans, fire trucks, ambulances, motor homes, buses, medium-duty and heavy-duty trucks, heavy construction equipment and other highway maintenance vehicles, vehicles assigned for law enforcement purposes, and any other classes of vehicles of limited application approved by the director of the department of administrative services.

2. On or before September 30, 2011, the department shall implement a request for proposal process to enter into a contract for the purpose of state passenger vehicle rental or leasing from a private entity. Prior to awarding a contract, a private entity shall demonstrate the following:

a. Existence of sufficient inventory of passenger vehicles within this state to accommodate the needs of the state in assigning passenger vehicles.

b. Existence of adequate personnel in any county within the state where rental and leasing activity can be supported to satisfy the terms of the contract in renting or leasing state-assigned vehicles.

c. Existence of adequate personnel to facilitate the sale and disposition of the existing state-owned passenger vehicles returned to the department pursuant to [subsection 3](#) or otherwise under the control of the department. Notwithstanding the provisions of [section 8A.364](#) to the contrary, proceeds from the sale of motor vehicles as provided by [this subsection](#) shall be credited to the fund from which the motor vehicles were purchased.

3. By March 1, 2012, the department shall award a vehicle rental or leasing contract to a private entity, and shall assign passenger vehicles for rental or lease pursuant to that contract, to the extent the department determines doing so would be economically feasible and financially advantageous. By March 1, 2012, all state-assigned passenger vehicles designated for use by multiple drivers, and located in any county of this state which can support the operation of a private entity for rental and leasing purposes, which the department determines would be suitable for rental or leasing shall be returned to the department for use and disposition as provided in [this section](#).

4. Notwithstanding any other provision of state law to the contrary, a private entity awarded a contract pursuant to [this section](#) shall not be required to indemnify or hold harmless the state for any liability the state might have to any third party due to the negligence of the state or any of its employees.

5. The department shall conduct an ongoing evaluation regarding the economic advantages of renting or leasing state-assigned vehicles versus state ownership of such vehicles, and shall accordingly adjust the number of vehicles subject to the rental and leasing contract pursuant to [this section](#) at intervals specified in the contract.

[2011 Acts, ch 127, §42, 89](#)

Referred to in [§8A.362](#)

8A.368 Motor vehicle purchases — qualified renewable fuels.

1. A motor vehicle operating using an internal combustion engine powered by gasoline or diesel fuel as described in [section 8A.362](#) shall use the highest possible classification of a qualified renewable fuel if all of the following apply:

a. The manufacturer of the motor vehicle or the United States environmental protection agency expressly states that the classification of a qualified renewable fuel is compatible with the motor vehicle’s normal operation.

b. That classification of a qualified renewable fuel is commercially available in the region where the motor vehicle is being operated.

c. No emergency situation exists that requires the immediate use of a motor fuel regardless of whether it has been blended with a biofuel.

2. If the highest possible classification of a qualified renewable fuel is available to power an engine used to operate a motor vehicle as provided in [subsection 1](#), a state-issued credit card shall not be used to purchase motor fuel other than that classification of a qualified renewable fuel.

3. A motor vehicle subject to [this section](#) shall be affixed with a brightly colored, highly visible renewable fuel sticker. The qualified renewable fuel sticker shall be designed by the department of agriculture and land stewardship to notify the traveling public that the motor vehicle is operating using an internal combustion engine powered by the highest possible classification of that qualified renewable fuel. The department of administrative services shall distribute the stickers to state agencies maintaining a state motor pool. However, a qualified renewable fuel sticker is not required to be affixed to an unmarked motor vehicle used for purposes of providing law enforcement or security.

4. As part of the department's competitive bidding procedure for the purchase of a motor vehicle operating using an internal combustion engine powered by diesel fuel, the director shall require a bidder to certify that the motor vehicle's manufacturer expressly states that the engine is capable of being powered by biodiesel blended fuel classified as B-20 or higher.

[2022 Acts, ch 1067, §36](#)

Referred to in [§8A.362](#), [8A.369](#), [216B.3](#), [262.25A](#), [307.21](#), [904.312A](#)

8A.369 Motor vehicle purchases — qualified renewable fuels — reports.

1. The department shall compile information regarding the department's compliance with [section 8A.368](#) during the previous determination period. The information shall include all of the following:

a. Of the motor vehicles used to routinely travel on the state's highways that operate using internal combustion engines powered by gasoline, all of the following:

(1) The total number of such motor vehicles according to model year.

(2) The total number of such motor vehicles according to model year that are capable of operating using internal combustion engines powered by ethanol blended gasoline classified as E-15 and E-85 according to the express warranty of the motor vehicle's manufacturer.

(3) The total number of gallons of ethanol blended gasoline classified as E-15, and the total number of gallons of ethanol blended gasoline classified as E-85, purchased during the preceding determination period, to the extent such information may be practically obtained.

b. Of the motor vehicles used to routinely travel on the state's highways that operate using internal combustion engines powered by diesel fuel, all of the following:

(1) The total number of such motor vehicles according to model year.

(2) The total number of such motor vehicles according to model year that are capable of operating using internal combustion engines powered by biodiesel blended fuel classified as B-20 or higher according to the express warranty of the motor vehicle's manufacturer.

(3) The total number of gallons of biodiesel blended fuel classified as B-20 or higher purchased during the preceding determination period, to the extent such information may be practically obtained.

2. The department of administrative services shall prepare a state fleet qualified renewable fuels compliance report which shall consolidate information compiled by the department under [subsection 1](#) together with information compiled by the commission for the blind pursuant to [section 216B.3](#), institutions governed by the state board of regents pursuant to [section 262.25A](#), the department of transportation pursuant to [section 307.21](#), and the department of corrections pursuant to [section 904.312A](#). The department of administrative services shall submit the state fleet qualified renewable fuels compliance report to the governor and general assembly not later than March 1 of each year.

[2022 Acts, ch 1067, §37](#)

Referred to in [§216B.3](#), [262.25A](#), [307.21](#), [904.312A](#)

8A.370 Reserved.

PART 7

CAPITOL PLANNING

8A.371 Commission created.

The capitol planning commission is created, composed of eleven members as follows:

1. Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the president of the senate after consultation with the majority leader of the senate, and one senator to be appointed by the minority leader of the senate.

2. Six residents of the state of Iowa to be appointed by the governor.

3. The director of the department of administrative services or the director's designee.

[C62, 66, 71, 73, 75, 77, 79, 81, §18A.1]

[86 Acts, ch 1245, §2025](#); [90 Acts, ch 1223, §10](#); [2003 Acts, ch 145, §286](#); [2007 Acts, ch 115, §10](#)

CS2007, §8A.371

[2008 Acts, ch 1156, §11, 58](#)

8A.372 Terms of office.

1. The members of the commission who are appointed by the governor shall be appointed to four-year terms of office and until their successors are appointed, three terms of which shall expire every two years. Vacancies shall be filled by appointment of the governor for the unexpired term of the original appointee.

2. The legislative members of the commission shall be appointed to terms of office as provided in [section 69.16B](#), unless sooner terminated by a commission member ceasing to be a member of the general assembly. Vacancies shall be filled by appointment of the original appointing authority for the unexpired term of their predecessors.

3. The term of office of each appointive voting member of the commission shall begin on the first of May of the odd-numbered year in which the member is appointed.

[C62, 66, 71, 73, 75, 77, 79, 81, §18A.2]

[86 Acts, ch 1245, §2026](#); [90 Acts, ch 1223, §11](#); [2007 Acts, ch 115, §11](#)

CS2007, §8A.372

[2008 Acts, ch 1156, §12, 58](#)

8A.373 Duties — report to legislature.

1. It shall be the duty of the commission to advise upon the location of statues, fountains, and monuments and the placing of any additional buildings on the capitol grounds, the type of architecture and the type of construction of any new buildings to be erected on the state capitol grounds as now encompassed or as subsequently enlarged, and repairs and restoration thereof, and it shall be the duty of the officers, commissions, and councils charged by law with the duty of determining such questions to call upon the commission for such advice.

2. The commission shall, in cooperation with the director of the department of administrative services, develop and implement within the limits of its appropriation, a five-year modernization program for the capitol complex.

3. The commission shall annually report to the general assembly its recommendations relating to its duties under [this section](#). The report shall be submitted to the chief clerk of the house and the secretary of the senate during the month of January.

[C62, 66, 71, 73, 75, 77, 79, 81, §18A.3]

[2003 Acts, ch 145, §286](#); [2007 Acts, ch 115, §12](#)

CS2007, §8A.373

[2017 Acts, ch 54, §76](#)

Referred to in [§8A.111](#)

8A.374 Organization.

The commission shall organize biennially by election of a chairperson from its membership. The director of the department of administrative services or the designee of the director shall serve as secretary to the commission.

[C62, 66, 71, 73, 75, 77, 79, 81, §18A.4]

[2003 Acts, ch 145, §286](#); [2007 Acts, ch 115, §13](#)

CS2007, §8A.374

8A.375 Compensation and expenses.

The members of the commission shall be reimbursed for their actual and necessary expenses while in attendance at any meeting of the commission held at the seat of government and shall be reimbursed for their expenses for going to and from the seat of government to attend a meeting. Members may also be eligible for compensation as provided in [section 7E.6](#). All expense moneys paid to the nonlegislative commissioners shall be paid from funds appropriated to the commission. Service of the director of the department of administrative services upon this commission is an additional duty conferred by statute. Legislative members of the commission shall receive payment pursuant to [section 2.10](#) and [section 2.12](#).

[C62, 66, 71, 73, 75, 77, 79, 81, §18A.5]

[86 Acts, ch 1244, §8](#); [2003 Acts, ch 145, §286](#); [2007 Acts, ch 115, §14](#)
CS2007, §8A.375

8A.376 Capitol complex projects.

1. All capital projects on the capitol complex shall be planned, approved, and funded only after considering the guiding principles enunciated in any capitol complex master plan adopted by the commission on or after January 1, 2000. At a minimum, the extent to which the proposed capital project does all of the following shall be considered:

- a. Preserves and enhances the dignity, beauty, and architectural integrity of the capitol building, other state office buildings, and the capitol grounds.
- b. Protects and enhances the public open spaces on the capitol complex when deemed necessary for public use and enjoyment.
- c. Protects the most scenic public views to and from the capitol building.
- d. Recognizes the diversity of adjacent neighborhoods and reinforces the connection of the capitol complex to its neighbors and the city of Des Moines.
- e. Accommodates pedestrian and motorized traffic that achieves appropriate public accessibility.

2. [This section](#) applies only to projects for which a construction site was not determined prior to May 11, 2000.

[2000 Acts, ch 1225, §34, 39](#)

C2001, §18A.6

[2007 Acts, ch 115, §15](#)

CS2007, §8A.376

[2008 Acts, ch 1032, §201](#)

8A.377 Capitol — preservation of architectural and historic integrity.

1. A state agency, branch of government, or any other entity responsible for a construction, remodeling, restoration, maintenance, or other project in, on, or on the grounds surrounding the capitol shall ensure that the project preserves and enhances the dignity, beauty, and architectural and historic integrity of the capitol.

2. A project described in [subsection 1](#) may vary from the architectural or historic integrity of the capitol if such variance is necessary to comply with state or federal laws relating to building accessibility or occupational safety or health, to address life safety issues, or for other compelling reasons. However, the state agency, branch of government, or other entity responsible for a project involving a variance from the architectural or historic integrity shall submit the plans for such project to the capitol planning commission and the capital projects committee of the legislative council for review.

[2002 Acts, ch 1030, §1](#)

C2003, §18A.6A

CS2007, §8A.377

8A.378 State capitol view preservation.

1. The department of administrative services shall develop a state capitol view preservation plan. The purpose of the plan shall be to ensure that the most scenic views of the state capitol remain unobstructed by the erection of structures, including but not limited to buildings, towers, and monuments.

2. The plan shall include proposals for height and setback limitations of structures erected within the state capitol view, and shall include appropriate drawings, schematics, and aerial photographs necessary to establish the plan with sufficient clarity and definition.

3. The department shall negotiate implementation of the plan with the city of Des Moines with the goal of entering into a memorandum of understanding in relation to the plan.

96 Acts, ch 1218, §28

C97, §18A.7

2003 Acts, ch 145, §286; 2007 Acts, ch 115, §16

CS2007, §8A.378

2014 Acts, ch 1036, §9

8A.379 through 8A.400 Reserved.

SUBCHAPTER IV

STATE HUMAN RESOURCE MANAGEMENT — OPERATIONS

Referred to in §7F.1, 8A.206, 8A.311B, 8B.4, 10A.104, 10A.304, 10A.601, 10A.801, 13.13, 13.34, 15.106C, 15H.5, 16.2A, 16.6, 20.5, 20.8, 20.18, 35A.8, 47.8, 55.1, 55.4, 68B.32, 84A.7, 88.2, 88A.6, 89.1, 89A.4, 91A.9, 97B.4, 97B.49B, 99D.6, 103A.6, 123.9, 135C.16, 135C.18, 137.104, 148.14, 148C.13, 152.3, 152.11, 153.33, 157.7, 217.23, 218.10, 252B.27, 256.9, 261A.6, 272C.7, 307.12, 421.1A, 455A.4, 474.10, 502.601, 505.4, 507.4, 507.5, 625.29, 691.1, 904.108, 904.303, 904A.4A

PART 1

GENERAL PROVISIONS

8A.401 Definitions.

As used in [this subchapter](#), unless the context otherwise requires:

1. “*Appointing authority*” means the chairperson or person in charge of any state agency including, but not limited to, boards, bureaus, commissions, and departments, or an employee designated to act for an appointing authority.

2. “*Merit system*” means the merit system established under [this subchapter](#).

2003 Acts, ch 145, §57

8A.402 State human resource management — responsibilities.

1. The department is the central agency responsible for state human resource management, including the following:

a. Policy and program development, workforce planning, and research.

b. Employment activities and transactions, including recruitment, examination, and certification of personnel seeking employment or promotion.

c. Compensation and benefits, including position classification, wages and salaries, and employee benefits. Employee benefits include, but are not limited to, group medical, dental, life, and long-term disability insurance, workers’ compensation, unemployment benefits, sick leave, deferred compensation, holidays and vacations, tuition reimbursement, and educational leaves.

d. Equal employment opportunity, affirmative action, and workforce diversity programs.

e. Education, training, and workforce development programs.

f. Personnel records and administration, including the audit of all personnel-related documents.

g. Employment relations, including the negotiation and administration of collective bargaining agreements on behalf of the executive branch of the state and its departments and agencies as provided in [chapter 20](#). However, the state board of regents, for the purposes of implementing and administering collective bargaining pursuant to [chapter 20](#), shall act as the exclusive representative of the state with respect to its faculty, scientific, and other professional staff.

h. The coordination and management of the state's human resource information system, except as otherwise required for those employees governed by [chapter 262](#).

i. The development and implementation of a plan to centralize the human resource management functions for state executive branch agencies within the department, except for institutions under the control of the state board of regents.

2. The department, as it relates to the human resources of state government, shall do the following:

a. Establish and maintain a list of all employees in the executive branch of state government and set forth, as to each employee, the class title, pay, status, and other pertinent data. For employees governed by [chapter 262](#), the director shall work collaboratively with the state board of regents to collect such information.

b. Foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counseling, and welfare.

c. Encourage and exercise leadership in the development of effective personnel administration within the several state agencies, and make available the facilities of the department to this end.

d. The director may delegate any or all aspects of the recruitment, examination, and selection processes to an agency in the executive branch upon request by that agency. The director shall oversee all activities delegated to that agency.

e. Utilize appropriate persons, including officers and employees in the executive branch, to assist in the recruitment and examination of applicants for employment. These officers and employees are not entitled to extra pay for their services, but shall be paid their necessary traveling and other expenses.

f. (1) Develop, in consultation with the department of veterans affairs, programs to inform state employees who are members of the national guard or organized reserves of the armed forces of the United States, and their families, of their rights and benefits while the member is deployed in federal active duty.

(2) Develop, in consultation with the department of veterans affairs and the department of workforce development, programs to inform members of the national guard or organized reserves of the armed forces of the United States returning to Iowa following federal active duty about job opportunities in state government.

(3) Develop, in consultation with the department of veterans affairs, the department of education, the department of workforce development, the United States department of veterans affairs, and the United States department of labor, the following:

(a) Programs to inform disabled veterans returning to the state after federal active duty about federally funded job training opportunities in state government, pursuant to 38 U.S.C. ch. 31.

(b) State government job training programs for disabled veterans that qualify for federal funding from the United States department of veterans affairs.

(c) A noncompetitive hiring program for disabled veterans who satisfactorily complete a federally funded job training program approved by the United States department of veterans affairs. The disabled veteran shall have trained in the class of positions for which the disabled veteran is to be noncompetitively appointed.

g. (1) (a) Consult with the department of management and discuss and collaborate with executive branch agencies to implement and maintain a policy for incrementally increasing the aggregate ratio in the number of employees per supervisory employee in executive branch agencies. For purposes of determining the effects of the policy on the state employee workforce, the base date of July 1, 2008, shall be used and the target date for full implementation shall be July 1, 2011. The target aggregate ratio of supervisory employees to other employees shall be as follows:

(i) For the fiscal year beginning July 1, 2010, one to fourteen.

(ii) For the fiscal year beginning July 1, 2011, one to fifteen.

(b) For the purposes of this paragraph "g", "*supervisory employee*" means 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 any such action.

(c) In this paragraph “g”, executive branch agencies, except the department of public safety, shall not grant a supervisory employee the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

(d) The policy shall allow appropriation units with twenty-eight or fewer full-time equivalent employee positions to apply for an exception to the policy through the executive council. The policy shall allow for exceptions when the supervisory employee ratio is mandated by a federal requirement.

(e) (i) Beginning July 1, 2011, the policy shall allow a director of an executive branch agency who believes that the agency will not be able to reach the applicable target aggregate ratio to apply for a waiver of that requirement through a five-person review board. In applying for a waiver, the director shall provide detailed documentation to the board describing the efforts that the executive branch agency has made in attempting to meet the applicable target aggregate ratio provided in this paragraph “g”. The review board shall consist of the director of the department of management or a designee of the director, three agency directors or the designees of those directors as designated by the governor, and one public member selected by the employee organization representing the greatest number of executive branch employees. However, if a department represented on the review board seeks a waiver, the member representing the department shall not participate in the decision on whether to grant a waiver for that department.

(ii) Prior to determining whether to grant a waiver, the review board shall make an initial determination of whether the executive branch agency has provided sufficient information to conduct a review. If not, the review board shall deny the request and notify the executive branch agency of the information needed to consider the request for waiver. If a waiver is granted, the review board shall limit the waiver to only those operations within an executive branch agency in which adequate justification for granting a waiver has been established.

(f) The policy shall provide that if layoffs are implemented, the number of middle management position layoffs shall correspond to the relative number of direct service position layoffs.

(g) The policy shall improve on the system in effect as of the base date by specifically defining and accounting for supervisory employee span of control.

(h) The policy shall provide that in calculating the span of control ratio for an executive branch agency, unfunded full-time equivalent positions shall not be utilized.

(i) The department shall present an interim report to the governor and general assembly on or before April 1, 2010, annual updates on or before April 1 subsequently, and a final report on or before April 1, 2012, detailing the effects of the policy on the composition of the workforce, cost savings, government efficiency, and outcomes.

(j) The policy developed pursuant to this paragraph “g” shall not encompass employees under the state board of regents.

(2) Evaluate the state’s systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to a review of the classifications for all positions and providing options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department’s progress in completing the evaluation and associated outcomes.

3. The human resource management powers and duties of the department do not extend to the legislative branch or the judicial branch of state government, except for functions related to administering compensation and benefit programs.

2003 Acts, ch 145, §58; 2004 Acts, ch 1086, §7; 2008 Acts, ch 1184, §33; 2009 Acts, ch 179, §27; 2010 Acts, ch 1031, §67, 69; 2010 Acts, ch 1171, §1; 2010 Acts, ch 1174, §1; 2012 Acts, ch 1072, §3, 4; 2013 Acts, ch 90, §2; 2013 Acts, ch 129, §38

Referred to in §432.13

8A.403 Hiring procedures — nonmerit system positions.

The department shall establish, by rule, procedures providing for the hiring of employees by a state agency to positions that are not covered by the merit system. The procedures shall require that an applicant for employment to a position that is not covered by the merit system disclose, in writing, whether the applicant has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

[2018 Acts, ch 1061, §3](#)

Referred to in [§8A.405](#)

8A.404 State employees — disclosure requirements.

An employee of a state agency shall disclose to the hiring authority for that employee if the employee has filed subsequent to hire a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

[2018 Acts, ch 1061, §4](#)

Referred to in [§8A.405](#)

8A.405 Foreign agent registration disclosures — penalty.

A person who willfully violates [section 8A.403](#), [section 8A.404](#), or [section 8A.413, subsection 6](#), or rules adopted pursuant to these provisions, is guilty of a serious misdemeanor.

[2018 Acts, ch 1061, §5](#)

8A.406 through 8A.410 Reserved.

PART 2

MERIT SYSTEM

8A.411 Merit system established — collective bargaining — applicability.

1. The general purpose of this [subchapter](#) is to establish for the state of Iowa a system of human resource administration based on merit principles and scientific methods to govern the appointment, compensation, promotion, welfare, development, transfer, layoff, removal, and discipline of its civil employees, and other incidents of state employment.

2. It is also the purpose of [this subchapter](#) to promote the coordination of personnel rules and policies with collective bargaining agreements negotiated under [chapter 20](#).

3. All appointments and promotions to positions covered by the state merit system shall be made solely on the basis of merit and fitness, to be ascertained by examinations or other appropriate screening methods, except as otherwise specified in [this subchapter](#).

4. Provisions of [this subchapter](#) pertaining to qualifications, examination, certification, probation, and just cause apply only to employees covered by the merit system.

[2003 Acts, ch 145, §59](#)

8A.412 Merit system — applicability — exceptions.

The merit system shall apply to all employees of the state and to all positions in state government now existing or hereafter established. In addition, the director shall negotiate an agreement with the director of the department for the blind concerning the applicability of the merit system to the professional employees of the department for the blind. However, the merit system shall not apply to the following:

1. The general assembly, employees of the general assembly, other officers elected by popular vote, and persons appointed to fill vacancies in elective offices.

2. All judicial officers and court employees.

3. The staff of the governor.

4. All board members and commissioners whose appointments are provided for by the Code.

5. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents. The state board of

regents shall adopt rules not inconsistent with the objectives of [this subchapter](#) for all of its employees not cited specifically in [this subsection](#). The rules are subject to approval by the director. If at any time the director determines that the state board of regents merit system rules do not comply with the intent of [this subchapter](#), the director may direct the board to correct the rules. The rules of the board are not in compliance until the corrections are made.

6. All appointments which are by law made by the governor.
7. All personnel of the armed services under state jurisdiction.
8. Persons who are paid a fee on a contract-for-services basis.
9. Seasonal employees appointed during a state agency's designated six-month seasonal employment period during the same annual twelve-month period, as approved by the director.
10. Residents, patients, or inmates working in state institutions, or persons on parole working in work experience programs.
11. Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board.
12. Production and engineering personnel under the jurisdiction of the Iowa public broadcasting board.
13. Members of the state patrol and other peace officers employed by the department of public safety. The commissioner of public safety shall adopt rules not inconsistent with the objectives of [this subchapter](#) for the persons described in [this subsection](#).
14. The chief deputy administrative officer and each division administrator of each state agency not otherwise specifically provided for in [this section](#), and physicians not otherwise specifically provided for in [this section](#). As used in [this subsection](#), "division administrator" means a principal administrative or policymaking position designated by a chief administrative officer and approved by the director or as specified by law.
15. All confidential employees.
16. Other employees specifically exempted by law.
17. The superintendent and deputy superintendent of the credit union division of the department of insurance and financial services, all members of the credit union review board, and all employees of the credit union division.
18. The superintendent of the banking division of the department of insurance and financial services, all members of the state banking council, and all employees of the banking division.
19. Chief deputy industrial commissioners.
20. The appointee serving as the coordinator of the office of renewable fuels and coproducts, as provided in [section 159A.3](#).
21. All employees of the Iowa state fair authority.
22. Up to six nonprofessional employees designated at the discretion of each statewide elected official.
23. The position classifications of employees of statewide elected officials that were exempt from the merit system as of June 30, 1994, shall remain exempt and any employees subsequently hired to fill any exempt position vacancies shall be classified as exempt employees.

[2003 Acts, ch 145, §60; 2004 Acts, ch 1101, §9; 2004 Acts, ch 1141, §1; 2005 Acts, ch 35, §31; 2006 Acts, ch 1177, §31; 2009 Acts, ch 57, §2; 2016 Acts, ch 1059, §1; 2023 Acts, ch 19, §1721, 2046, 2073, 2076, 2705](#)

Referred to in [§42.1, 68B.32, 123.9, 505.4, 507.4, 507.5](#)

Equal opportunity and special appointments, [§19B.2](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsection 11 amended

Subsection 14 stricken and former subsections 15 – 17 renumbered as 14 – 16

Former subsections 18 and 19 amended and renumbered as 17 and 18

Former subsections 20 – 24 renumbered as 19 – 23

8A.413 State human resource management — rules.

The department shall adopt rules for the administration of [this subchapter](#) pursuant to [chapter 17A](#). Rulemaking shall be carried out with due regard to the terms of collective bargaining agreements. A rule shall not supersede a provision of a collective bargaining

agreement negotiated under [chapter 20](#). Notwithstanding any provisions to the contrary, a rule or regulation shall not be adopted by the department which would deprive the state of Iowa, or any of its agencies or institutions, of federal grants or other forms of financial assistance. The rules shall provide:

1. For the preparation, maintenance, and revision of a job classification plan that encompasses each job in the executive branch, excluding job classifications under the state board of regents, based upon assigned duties and responsibilities, so that the same general qualifications may reasonably be required for and the same pay plan may be equitably applied to all jobs in the same job classification. The director shall classify the position of every employee in the executive branch, excluding employees of the state board of regents, into one of the classes in the plan. An appointing authority or employee adversely affected by a classification or reclassification decision may file an appeal with the director. Appeals of a classification or reclassification decision shall be exempt from the provisions of [section 17A.11](#) and shall be heard by a committee appointed by the director. The classification or reclassification of a position that would cause the expenditure of additional salary funds shall not become effective if the expenditure of funds would be in excess of the total amount budgeted for the department of the appointing authority until budgetary approval has been obtained from the director of the department of management.

2. For notification of the governor when the public interest requires a decrease or increase of employees in any position or type of employment not otherwise provided by law, or the creation or abolishment of any position or type of employment, as determined by the director, acting in good faith. Thereafter, the position or type of employment shall stand abolished or created and the number of employees therein reduced or increased.

3. For pay plans covering all employees in the executive branch, excluding employees of the state board of regents, after consultation with the governor and appointing authorities, and consistent with the terms of collective bargaining agreements negotiated under [chapter 20](#).

4. For examinations to determine the relative fitness of applicants for employment.

a. Such examinations shall be practical in character and shall relate to such matters as will fairly assess the ability of the applicant to discharge the duties of the position to which appointment is sought.

b. Where the Code of Iowa establishes certification, registration, or licensing provisions, such documents shall be considered prima facie evidence of basic skills accomplishment and such persons shall be exempt from further basic skills examination.

5. For the public announcement of vacancies at least ten days in advance of the date fixed for the filing of applications for the vacancies, and the advertisement of the vacancies through the communications media. The director may, however, in the director's discretion, continue to receive applications and examine candidates for a period adequate to assure a sufficient number of eligibles to meet the needs of the system, and may add the names of successful candidates to existing eligible lists.

6. For an applicant for employment in the executive branch to disclose in the application for employment whether the applicant has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

7. For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, and conduct. A promotion means a change in the status of an employee from a position in one class to a position in another class having a higher pay grade.

8. For the establishment of lists for appointment and promotion, upon which lists shall be placed the names of successful candidates.

9. For the rejection of applicants who fail to meet reasonable requirements.

10. For the appointment by the appointing authority of a person on the appropriate list to fill a vacancy.

11. For a probation period of six months, excluding educational or training leave, before appointment may be made complete, and during which period a probationer may be discharged or reduced in class or pay. If the employee's services are unsatisfactory, the employee shall be dropped from the payroll on or before the expiration of the probation

period. If satisfactory, the appointment shall be deemed permanent. The determination of the appointing authority shall be final and conclusive.

12. For temporary employment for not more than seven hundred eighty hours in a fiscal year.

13. For provisional employment when there is no appropriate list available. Such provisional employment shall not continue longer than one hundred eighty calendar days.

14. For transfer from a position in one state agency to a similar position in the same state agency or another state agency involving similar qualifications, duties, responsibilities, and salary ranges. Whenever an employee transfers or is transferred from one state agency to another state agency, the employee's seniority rights, any accumulated sick leave, and accumulated vacation time, as provided in the law, shall be transferred to the new place of employment and credited to the employee. Employees who are subject to contracts negotiated under [chapter 20](#) which include transfer provisions shall be governed by the contract provisions.

15. For reinstatement of persons who have attained permanent status and who resign in good standing or who are laid off from their positions without fault or delinquency on their part.

16. For establishing in cooperation with the appointing authorities a performance management system for all employees in the executive branch, excluding employees of the state board of regents, which shall be considered in determining salary increases; as a factor in promotions; as a factor in determining the order of layoffs and in reinstatement; as a factor in demotions, discharges, and transfers; and for the regular evaluation, at least annually, of the qualifications and performance of those employees.

17. For layoffs by reason of lack of funds or work, or reorganization, and for the recall of employees so laid off, giving consideration in layoffs to the employee's performance record and length of service. An employee who has been laid off may be on a recall list for one year, which list shall be exhausted by the organizational unit enforcing the layoff before selection of an employee may be made from the promotional or nonpromotional list in the employee's classification. Employees who are subject to contracts negotiated under [chapter 20](#) which include layoff and recall provisions shall be governed by the contract provisions.

18. For imposition, as a disciplinary measure, of a suspension from service without pay.

19. *a.* For discharge, suspension, or reduction in job classification or pay grade for any of the following causes:

- (1) Failure to perform assigned duties.
- (2) Inadequacy in performing assigned duties.
- (3) Negligence.
- (4) Inefficiency.
- (5) Incompetence.
- (6) Insubordination.
- (7) Unrehabilitated alcoholism or narcotics addiction.
- (8) Dishonesty.
- (9) Unlawful discrimination.
- (10) Failure to maintain a license, certificate, or qualification necessary for a job classification or position.

(11) Any act or conduct which adversely affects the employee's performance or the employing agency.

(12) Any other good cause for discharge, suspension, or reduction.

b. The person discharged, suspended, or reduced shall be given a written statement of the reasons for the discharge, suspension, or reduction within twenty-four hours after the discharge, suspension, or reduction.

c. All persons concerned with the administration of [this subchapter](#) shall use their best efforts to ensure that [this subchapter](#) and the rules adopted pursuant to [this subchapter](#) shall not be a means of protecting or retaining unqualified or unsatisfactory employees, and shall discharge, suspend, or reduce in job classification or pay grade all employees who should be discharged, suspended, or reduced for any of the causes stated in [this subsection](#).

20. For establishment of a uniform plan for resolving employee grievances and

complaints. Employees who are subject to contracts negotiated under [chapter 20](#) which include grievance and complaint provisions shall be governed by the contract provisions.

21. For attendance regulations, and special leaves of absence, with or without pay, or reduced pay, in the various classes of positions in the executive branch, excluding positions under the state board of regents.

a. Employees who are subject to contracts negotiated under [chapter 20](#) which include leave of absence provisions shall be governed by the contract provisions.

b. Annual sick leave and vacation time shall be granted in accordance with [section 70A.1](#).

22. For the development and operation of programs to improve the work effectiveness and morale of employees in the executive branch, excluding employees of the state board of regents, including training, safety, health, welfare, counseling, recreation, and employee relations.

23. For veterans preference through a provision that veterans, as defined in [section 35.1](#), shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs.

a. Veterans who have a service-connected disability or are receiving compensation, disability benefits, or pension under laws administered by the United States department of veterans affairs shall have ten points added to the grades attained in qualifying examinations.

b. A veteran who has been awarded the purple heart for disabilities incurred in action shall be considered to have a service-connected disability.

24. For acceptance of the qualifications, requirements, regulations, and general provisions established under other sections of the Code pertaining to professional registration, certification, and licensing.

25. For the development and operation of programs to promote job sharing, telecommuting, and flex-time opportunities for employment within the executive branch.

[2003 Acts, ch 145, §61; 2008 Acts, ch 1031, §77; 2009 Acts, ch 26, §1; 2010 Acts, ch 1031, §61; 2018 Acts, ch 1061, §6](#)

Referred to in [§8A.405, 8A.414, 19B.12, 148.2B, 152.2, 313.4, 474.1](#)

8A.414 Experimental research projects.

The director may conduct experimental or research personnel-related projects of limited duration designed to improve the quality of the employment system. The provisions of [section 8A.413](#) or administrative rules adopted pursuant to that section are waived for the purposes of such projects. Projects adopted under this authority shall not violate existing collective bargaining agreements. Any projects that relate to issues covered by such agreements or issues that are mandatory subjects of collective bargaining are subject to negotiations as applicable. The director shall notify the chairpersons of the standing committees on appropriations of the senate and the house of representatives and the chairpersons of the appropriate subcommittees of those committees of the proposed projects. The notice from the director shall include the purpose of the project, a description of the project, and how the project will be evaluated. Chairpersons notified shall be given at least two weeks to review and comment on the proposal before the project is implemented. The director shall report the results of the experimental research projects conducted in the preceding fiscal year to the legislative council by September 30 of each year.

[2003 Acts, ch 145, §62](#)

8A.415 Grievance and discipline resolution procedures.

1. Grievances.

a. An employee, except an employee covered by a collective bargaining agreement which provides otherwise, who has exhausted the available agency steps in the uniform grievance procedure provided for in the department rules may, within seven calendar days following the date a decision was received or should have been received at the second step of the grievance procedure, file the grievance at the third step with the director. The director shall respond within thirty calendar days following receipt of the third step grievance.

b. If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The hearing shall be

conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, [chapter 17A](#). Decisions rendered shall be based upon a standard of substantial compliance with [this subchapter](#) and the rules of the department. Decisions by the public employment relations board constitute final agency action.

c. For purposes of [this subsection](#), “*uniform grievance procedure*” does not include procedures for discipline and discharge.

2. *Discipline resolution.*

a. A merit system employee, except an employee covered by a collective bargaining agreement, who is discharged, suspended, demoted, or otherwise receives a reduction in pay, except during the employee’s probationary period, may bypass steps one and two of the grievance procedure and appeal the disciplinary action to the director within seven calendar days following the effective date of the action. The director shall respond within thirty calendar days following receipt of the appeal.

b. If not satisfied, the employee may, within thirty calendar days following the director’s response, file an appeal with the public employment relations board. The employee has the right to a hearing closed to the public, unless a public hearing is requested by the employee. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, [chapter 17A](#). If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

[2003 Acts, ch 145, §63; 2007 Acts, ch 22, §3; 2008 Acts, ch 1032, §201; 2016 Acts, ch 1059, §2, 3; 2023 Acts, ch 19, §1712, 1713](#)

Referred to in [§20.6, 235A.15](#)

Subsection 1, paragraph b amended

Subsection 2, paragraph b amended

8A.416 Discrimination, political activity, use of official influence prohibited.

1. A person shall not be appointed or promoted to, or demoted or discharged from, any position in the merit system, or in any way favored or discriminated against with respect to employment in the merit system because of the person’s political or religious opinions or affiliations or race or national origin or sex, or age.

2. A person holding a position in the classified service shall not, during the person’s working hours or when performing the person’s duties or when using state equipment or at any time on state property, take part in any way in soliciting any contribution for any political party or any person seeking political office, and such employee shall not engage in any political activity that will impair the employee’s efficiency during working hours or cause the employee to be tardy or absent from work. [This section](#) does not preclude any employee from holding any office for which no pay is received or any office for which only token pay is received.

3. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a position in the merit system.

4. A person shall not use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the merit system, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration.

5. An employee shall not use the employee’s official authority or influence for the purpose of interfering with an election or affecting the results thereof.

6. Any officer or employee who violates [this section](#) shall be subject to suspension, dismissal, or demotion subject to the right of appeal provided in [this subchapter](#).

7. The director shall adopt any rules necessary for further restricting political activities of employees in the executive branch, but only to the extent necessary to comply with federal

standards. Employees retain the right to vote as they please and to express their opinions on all subjects.

[2003 Acts, ch 145, §64](#)

Referred to in [§8A.102](#), [8A.418](#), [55.1](#)

See also [chapters 39A](#) and [721](#)

8A.417 Prohibited actions.

1. A person shall not make any false statement, certificate, mark, rating, or report with regard to any examination or appointment made under [this subchapter](#) or in any manner commit or attempt to commit any fraud preventing the impartial execution of [this subchapter](#) and the rules adopted pursuant to [this subchapter](#).

2. A person shall not, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the merit system.

3. An employee of the department or any other person shall not defeat, deceive, or obstruct any person in the person's right to examination or appointment under [this subchapter](#), or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the merit system.

4. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a merit system administered by, or subject to approval of, the director as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by [this section](#), or for a disclosure of any information by that employee to a member or employee of the general assembly, or for a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by [this section](#) if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer. [This subsection](#) does not apply if the disclosure of the information is prohibited by statute.

[2003 Acts, ch 145, §65](#)

Referred to in [§8A.418](#)

See also [§70A.28](#)

8A.418 Federal programs exemption exceptions — penalty.

1. Notwithstanding the provisions of [this subchapter](#) to the contrary, a person employed under a temporary, emergency employment utilization program funded by the federal government which program does not exceed one year and which program is not subject to merit system standards by federal law, shall be exempt from [this subchapter](#) except as provided in [this section](#).

2. A person employed as provided in [this section](#) shall be subject to the provisions of [section 8A.416](#) relating to political activity and the civil penalties contained in such section and, consistent with [subsection 1](#), the provisions of [section 8A.417](#) relating to prohibited actions.

3. A person violating [this section](#) shall be subject to the penalty provided for in [section 8A.458](#).

[2003 Acts, ch 145, §66](#)

8A.419 through 8A.430 Reserved.

PART 3
EMPLOYEE BENEFITS

8A.431 Iowa management training system — training revolving fund.

1. The department shall establish and administer an Iowa management training system for the state.

2. A training revolving fund is created in the state treasury under the control of the department. The moneys credited to the fund shall be used for the purpose of paying actual and necessary expenses incurred by the department in administering the training system. All fees, grants, or specific appropriations for this purpose shall be credited to the fund. The fees for the training system courses shall be set by the director to cover the costs of course development, training materials, facilities and equipment, professional instructors, and administration. The fees shall be paid to the department by the state agency sending the employees for training and the payment shall be credited to the training revolving fund. Notwithstanding [section 8.33](#), moneys in the revolving fund shall not revert. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund.

[2003 Acts, ch 145, §67](#)

8A.432 Combined charitable campaign program, fees, revolving fund.

1. The department shall establish and administer a combined charitable campaign program for state employees.

2. A combined charitable campaign revolving fund is created in the state treasury under the control of the department. The moneys credited to the fund shall be used for the purpose of paying actual and necessary expenses incurred by the department in administering the program. Administrative expenses shall not exceed five percent of the contributions pledged the previous year. All fees, grants, or specific appropriations for this purpose shall be credited to the fund. The fees for the program shall be set by the director to cover only the cost of administration and materials and shall not cover salaries of state employees involved in the administration of the program. The fees shall be paid to the department from the voluntary employee contributions and the payment shall be credited to the revolving fund. Notwithstanding [section 8.33](#), any moneys in the fund shall not revert. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund.

[2003 Acts, ch 145, §68](#)

8A.433 Deferred compensation plan.

The department shall make available to eligible state employees the option of utilizing mutual funds as an investment alternative to the state's deferred compensation plan established under [section 509A.12](#). Participating employees shall, to the extent permitted by law, be allowed to transfer moneys deferred under the plan to a mutual fund offered pursuant to [section 509A.12](#). The department may make the deferred compensation plan established pursuant to [this section](#) available to governmental employees of a public entity authorized to establish a deferred compensation program pursuant to [section 509A.12](#).

[2003 Acts, ch 145, §69](#)

8A.434 Iowa state employee deferred compensation trust fund.

1. A separate, special Iowa state employee deferred compensation trust fund is created in the state treasury under the control of the department. The fund shall consist of all moneys deposited in the fund pursuant to [this section](#), any other assets that must be held in trust for the exclusive benefit of participants in the state's deferred compensation program as required by section 457 of the federal Internal Revenue Code, and interest and earnings thereon, and shall be used for the exclusive benefit of participants in a deferred compensation program established by the state under [section 509A.12](#).

2. The director is the trustee of the fund and shall administer the fund. Any loss to the

fund shall be charged against the fund and the director shall not be personally liable for such loss. In addition, the director is the trustee of any trusts referenced in section 457(g) of the federal Internal Revenue Code. Any loss to the trusts shall be charged against the trusts and the director shall not be personally liable for such loss.

3. Any compensation or portion of compensation reduced by a participant in conjunction with a deferred compensation program established by the state under [section 509A.12](#) and any earnings or income thereon shall be held in trust and used for the exclusive benefit of the participant or the participant's beneficiary as provided by section 457 of the federal Internal Revenue Code.

4. For purposes of [this section](#), custodial accounts, annuity contracts, and any other contracts referenced in section 457(g) of the federal Internal Revenue Code shall be treated as trusts for purposes of section 457 of the federal Internal Revenue Code.

5. Moneys in the fund are not subject to [section 8.33](#). Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the fund shall be credited to the fund.
[2003 Acts, ch 145, §70](#)

8A.435 State employee deferred compensation match trust fund.

1. A separate, special Iowa state employee deferred compensation match trust fund is created in the state treasury under the control of the department. The trust fund shall consist of all moneys deposited in the fund, and other assets that must be held in trust for the exclusive benefit of participants in the state's deferred compensation match program as required by section 401(a) of the federal Internal Revenue Code, and interest and earnings thereon, and shall be used for the exclusive benefit of participants and their beneficiaries in a deferred compensation match program established by the state under [section 509A.12](#).

2. The director is the trustee of the fund and shall administer the fund. Any loss to the fund shall be charged against the trust and the director shall not be personally liable for such loss.

3. Moneys in the fund are not subject to [section 8.33](#). Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the fund shall be credited to the fund.
[2003 Acts, ch 145, §71](#)

8A.436 State employee dependent care spending account trust fund.

1. A separate, special Iowa state employee dependent care spending account trust fund is created in the state treasury under the control of the department. The trust fund consists of all moneys, including monthly administrative charges paid by a state department or agency as authorized by [section 8A.451](#), held in trust for the exclusive benefit of participants in the state's dependent care spending account plan. Moneys in the fund are not subject to [section 8.33](#). Notwithstanding [section 12C.7](#), interest and earnings from moneys in the trust fund shall be credited to the trust fund and shall be used exclusively for the benefit of plan participants.

2. The director shall serve as trustee of the trust fund and shall administer the fund as required by sections 125 and 129 of the federal Internal Revenue Code. Any loss to the fund shall be charged against the fund and the director shall not be personally liable for such loss. The director has the authority to direct expenditures as deemed appropriate to the exclusive benefit of the plan participants.

[2003 Acts, ch 145, §72](#)

8A.437 State employee health flexible spending account trust fund.

1. The director shall establish for state employees a health flexible spending account plan which offers multiple benefits to state employees. The state's health flexible spending account plan shall be established to meet the conditions of section 125 of the Internal Revenue Code of 1986.

2. A separate, special Iowa state employee health flexible spending account trust fund is created in the state treasury under the control of the department. The trust fund consists of all moneys appropriated to the fund, all monthly administrative charges paid by a state department or agency as authorized by [section 8A.451](#), and any other assets directed to be held in trust for the exclusive benefit of participants in the state's health flexible spending

account plan. Moneys in the fund are not subject to [section 8.33](#). Notwithstanding [section 12C.7](#), interest and earnings from moneys in the trust fund shall be credited to the trust fund and shall be used exclusively for the benefit of plan participants.

3. The director shall serve as trustee of the trust fund and has the authority to direct expenditures as deemed appropriate to the exclusive benefit of the plan participants.

[2003 Acts, ch 145, §73](#)

Authority of governing body, [§509A.1](#)

8A.438 Tax-sheltered investment contracts.

1. The director may establish a tax-sheltered investment program for eligible employees. The director may arrange for the provision of investment vehicles authorized under section 403(b) of the Internal Revenue Code, as defined in [section 422.3](#). The tax-sheltered investment program shall include investment vehicles authorized under section 403(b) of the Internal Revenue Code provided by any insurance company or investment company that is recommended for inclusion in the program by a person licensed as an insurance producer under [chapter 522B](#), or registered as a securities agent or investment adviser representative under [chapter 502](#), by the insurance division of the department of insurance and financial services. The director shall require each insurance company and investment company included in the program to utilize the third-party administrator selected by the department and a common remitter, and shall limit the total number of insurance companies and investment companies in the program to no more than thirty. To be eligible for inclusion in the program, an insurance company shall have filed with, and had the company's contract and forms approved by, the insurance division of the department of insurance and financial services, and an investment company shall be registered with the federal securities and exchange commission. The department may offer the tax-sheltered investment program to eligible public employers in the state of Iowa.

2. a. A special, separate tax-sheltered investment revolving trust fund is created in the state treasury under the control of the department. The fund shall consist of all moneys deposited in the fund pursuant to [this section](#), any funds received from other entities in the state of Iowa, and interest and earnings thereon. The director is the trustee of the fund and shall administer the fund. Any loss to the fund shall be charged against the fund and the director shall not be personally liable for such loss.

b. Moneys in the fund are not subject to [section 8.33](#). Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the fund shall be credited to the fund.

[2003 Acts, ch 145, §74; 2008 Acts, ch 1171, §57; 2017 Acts, ch 118, §1; 2023 Acts, ch 19, §2706](#)

Referred to in [§260C.14, 273.3, 294.16](#)

Subsection 1 amended

8A.439 Longevity pay prohibited — exception.

A state employee subject to the provisions of [this subchapter](#) shall not be entitled to longevity pay except for those employees granted longevity pay pursuant to [section 307.48](#).

[2003 Acts, ch 145, §75](#)

8A.440 through 8A.450 Reserved.

PART 4

MISCELLANEOUS PROVISIONS

8A.451 Human resources administrative costs.

1. The department may quarterly render a statement to each department or agency which operates in whole or in part from other than general fund appropriations for a pro rata share of the cost of administration of the department, or a portion thereof, as it relates to the state human resources management duties of the department pursuant to [this subchapter](#). The expense shall be paid by the state department or agency in the same manner as other expenses

of that department or agency are paid and all moneys received shall be deposited in the general fund of the state.

2. The department shall render monthly a statement to each state department or agency for a pro rata share of the cost of administration of the state employee flexible spending accounts. The expense shall be paid by the state department or agency in the same manner as other expenses of that state department or agency are paid and all moneys received for administration costs shall be deposited in the appropriate fund.

[2003 Acts, ch 145, §76](#)

Referred to in [§8A.436](#), [8A.437](#)

8A.452 Use of public buildings.

All officers and employees of the state and of political subdivisions of the state shall allow the department the reasonable use of public buildings under their control, and furnish heat, light, and furniture for any examination, hearing, or investigation authorized by [this subchapter](#). The department shall pay to a political subdivision the reasonable cost of any such facilities furnished.

[2003 Acts, ch 145, §77](#)

8A.453 Aid by state employees — records and information.

1. All officers and employees of the state shall comply with and aid in all proper ways in carrying out the provisions of [this subchapter](#) and the rules and orders under [this subchapter](#). All officers and employees shall furnish any records or information which the director requires for any purpose of [this subchapter](#). The director may institute and maintain any action or proceeding at law or in equity that the director considers necessary or appropriate to secure compliance with [this subchapter](#) and the rules and orders under [this subchapter](#).

2. The director may delegate to a person in any department, agency, board, commission, or office, located away from the seat of government, any of the duties imposed by [this subchapter](#) upon the director.

[2003 Acts, ch 145, §78](#)

8A.454 Health insurance administration fund.

1. A separate, special Iowa state health insurance administration fund is created in the state treasury under the control of the department. The fund shall consist of all moneys deposited in the fund from proceeds of a monthly per contract administrative charge assessed and collected by the department. Moneys deposited in the fund shall be expended by the department for health insurance program administration costs. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. A monthly per contract administrative charge shall be assessed by the department on all health insurance plans administered by the department in which the contract holder has a state employer to pay the charge. The amount of the administrative charge shall be established by the general assembly. The department shall collect the administrative charge from each department utilizing the centralized payroll system and shall deposit the proceeds in the fund. In addition, the state board of regents, the state fair board, the state department of transportation, and each judicial district department of correctional services shall remit the administrative charge on a monthly basis to the department and shall submit a report to the department containing the number and type of health insurance contracts held by each of its employees whose health insurance is administered by the department.

3. The expenditure of moneys from the fund in any fiscal year shall not exceed the amount of the monthly charge established by the general assembly multiplied by the number of health insurance contracts in effect at the beginning of the same fiscal year in which the expenditures shall be made. Any unencumbered or unobligated moneys in the fund at the end of the fiscal year shall not revert but shall be transferred to the health insurance premium reserve fund established pursuant to [section 509A.5](#).

[2003 Acts, ch 145, §79](#); [2007 Acts, ch 115, §9, 18](#); [2009 Acts, ch 181, §34, 36](#); [2010 Acts, ch 1189, §38, 40](#); [2011 Acts, ch 132, §35, 106](#)

8A.455 Certification of payrolls — actions.

1. A state disbursing or auditing officer shall not make or approve or take part in making or approving a payment for personnel services to any person unless the payroll voucher or account of the pay bears the certification of the director, or of the director's authorized agent, that the persons named have been appointed and employed in accordance with [this subchapter](#) and the rules and orders under [this subchapter](#), and that funds are available for the payment of the persons.

2. The director may, for proper cause, withhold certification from an entire payroll or from any specific item or items on a payroll. The director may, however, provide that certification of payrolls may be made once every year, and such certification shall remain in effect except in the case of any officer or employee whose status has changed after the last certification of the officer's or employee's payroll. In the latter case a voucher for payment of salary to such employee shall not be issued or payment of salary shall not be made without further certification by the director.

3. Any citizen may maintain an action in accordance with [chapter 17A](#) to restrain a disbursing officer from making any payment in contravention of [this subchapter](#), or rule or order under [this subchapter](#). Any sum paid contrary to [this subchapter](#) or any rule or order under [this subchapter](#) may be recovered in an action in accordance with [chapter 17A](#) maintained by any citizen, from any officer who made, approved, or authorized such payment or who signed or countersigned a voucher, payroll, check, or warrant for such payment, or from the sureties on the official bond of any such officer. All moneys recovered in any such action shall be paid into the state treasury.

4. Any person appointed or employed in contravention of [this subchapter](#) or of any rule or order under [this subchapter](#) who performs service for which the person is not paid may maintain an action in accordance with [chapter 17A](#) against the officer or officers who purported so to appoint or employ the person to recover the agreed pay for such services or the reasonable value of the services if no pay was agreed upon. An officer shall not be reimbursed by the state at any time for any sum paid to such person on account of such services.

5. If the director wrongfully withholds certification of the payroll voucher or account of any employee, such employee may maintain a proceeding in accordance with [chapter 17A](#) in the courts to compel the director to certify such a payroll voucher or account.

[2003 Acts, ch 145, §80](#)

8A.456 Access to records.

1. An employee subject to the provisions of [this subchapter](#) shall have access to the employee's personal file.

2. An applicant for a position subject to the provisions of [this subchapter](#) shall be permitted to review, in accordance with such rules as the director may prescribe, any evaluation resulting from the application for employment.

[2003 Acts, ch 145, §81](#)

See also [§91B.1](#)

8A.457 Workers' compensation claims.

The director shall employ appropriate staff to handle and adjust claims of state employees for workers' compensation benefits pursuant to [chapter 10A, subchapter III](#), and [chapters 85, 85A, and 85B](#), or, with the approval of the executive council, contract for the services or purchase workers' compensation insurance coverage for state employees or selected groups of state employees. A state employee workers' compensation fund is created in the state treasury under the control of the department to pay state employee workers' compensation claims and administrative costs. The department shall establish a rating formula and assess premiums to all agencies, departments, and divisions of the state including those which have not received an appropriation for the payment of workers' compensation insurance and which operate from moneys other than from the general fund of the state. The department shall collect the premiums and deposit them into the state employee workers' compensation fund. Notwithstanding [section 8.33](#), moneys deposited in the state employee

workers' compensation fund shall not revert to the general fund of the state at the end of any fiscal year, but shall remain in the state employee workers' compensation fund and be continuously available to pay state employee workers' compensation claims. The director may, to the extent practicable, contract with a private organization to handle the processing and payment of claims and services rendered under the provisions of [this section](#).

[2003 Acts, ch 145, §82](#); [2023 Acts, ch 19, §1722](#)

Section amended

8A.458 Penalty.

A person who willfully violates [this subchapter](#) or any rules adopted pursuant to [this subchapter](#), where no other penalty is prescribed, is guilty of a simple misdemeanor.

[2003 Acts, ch 145, §83](#)

Referred to in [§8A.418](#)

8A.459 State employee pay and allowances — electronic funds transfer.

Effective July 1, 2011, notwithstanding any provision of law to the contrary, all pay and allowances to state employees shall be paid via electronic funds transfer, unless otherwise provided pursuant to a collective bargaining agreement. A state employee may elect to receive pay and allowances as paper warrants in lieu of electronic funds transfers, but the department shall charge an administrative fee for processing such paper warrants. However, the department may, for good cause shown, waive the administrative fee. The fee may be automatically deducted from the state employee's pay and allowances before the warrant is issued to the state employee.

[2010 Acts, ch 1031, §78](#)

See also [§91A.3](#)

Electronic funds transfers, see [chapter 527](#)

8A.460 Terminal liability health insurance fund.

1. A terminal liability health insurance fund is created in the state treasury under the control of the department of administrative services. The proceeds of the terminal liability health insurance fund shall be used by the department of administrative services to pay the state's share of the terminal liability of the existing health insurance contract administered by the department of administrative services. The moneys appropriated to the terminal liability health insurance fund plus any additional moneys appropriated or collected pursuant to [2001 Iowa Acts, ch. 190](#), or other Acts of the general assembly shall constitute the total amount due to pay the terminal liability specified in [this section](#).

2. Notwithstanding [section 8.33](#), any unencumbered or unobligated balance remaining in the terminal liability health insurance fund at the close of a fiscal year shall not revert.

[2001 Acts, ch 190, §20](#)

CS2001, §421.46

[2002 Acts, ch 1175, §15](#); [2003 Acts, ch 145, §286](#); [2017 Acts, ch 29, §168](#)

C2018, §8A.460

[2021 Acts, ch 76, §2](#)

8A.461 through 8A.501 Reserved.

SUBCHAPTER V

FINANCIAL ADMINISTRATION

Referred to in [§25.2](#)

8A.502 Financial administration duties.

The department shall provide for the efficient management and administration of the financial resources of state government and shall have and assume the following powers and duties:

1. *Centralized accounting and payroll system.* To assume the responsibilities related to a centralized accounting system for state government and to establish a centralized payroll

system for all state agencies. However, the state board of regents and institutions under the control of the state board of regents shall not be required to utilize the centralized payroll system.

2. *Cost allocation system.* To establish a cost allocation system as provided in [section 8A.505](#).

3. *Collection and payment of funds — monthly payments.* To control the payment of all moneys into the state treasury, and all payments from the state treasury by the preparation of appropriate warrants, or warrant checks, directing such collections and payment, and to advise the treasurer of state monthly in writing of the amount of public funds not currently needed for operating expenses. Whenever the state treasury includes state funds that require distribution to counties, cities, or other political subdivisions of this state, and the counties, cities, and other political subdivisions certify to the director that warrants will be stamped for lack of funds within the thirty-day period following certification, the director may partially distribute the funds on a monthly basis. Whenever the law requires that any funds be paid by a specific date, the director shall prepare a final accounting and shall make a final distribution of any remaining funds prior to that date.

4. *Preaudit system.* To establish and fix a reasonable imprest cash fund for each state department and institution for disbursement purposes where needed. These revolving funds shall be reimbursed only upon vouchers approved by the director. It is the purpose of [this subsection](#) to establish a preaudit system of settling all claims against the state, but the preaudit system is not applicable to any of the following:

a. Institutions under the control of the state board of regents.

b. The state fair board as established in [chapter 173](#).

c. The Iowa dairy industry commission as established in [chapter 179](#), the Iowa beef cattle producers association as established in [chapter 181](#), the Iowa pork producers council as established in [chapter 183A](#), the Iowa egg council as established in [chapter 184](#), the Iowa turkey marketing council as established in [chapter 184A](#), the Iowa soybean association as provided in [chapter 185](#), and the Iowa corn promotion board as established in [chapter 185C](#).

5. *Audit of claims.* To set rules and procedures for the preaudit of claims by individual agencies or organizations. The director reserves the right to refuse to accept incomplete or incorrect claims and to review, preaudit, or audit claims as determined by the director.

6. *Contracts.* To certify, record, and encumber all formal contracts to prevent overcommitment of appropriations and allotments.

7. *Accounts.* To keep the central budget and proprietary control accounts of the general fund of the state and special funds, as defined in [section 8.2](#), of the state government. Upon elimination of the state deficit under generally accepted accounting principles, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year, the recognition of revenues received and expenditures paid and transfers received and paid within the time period required pursuant to [section 8.33](#) shall be in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense. For each fiscal year, the financial position and results of operations of the state shall be reported in an annual comprehensive financial report prepared in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

8. *Fair board and board of regents.* To control the financial operations of the state fair board and the institutions under the state board of regents:

a. By charging all warrants issued to the respective educational institutions and the state fair board to an advance account to be further accounted for and not as an expense which requires no further accounting.

b. By charging all collections made by the educational institutions and state fair board to the respective advance accounts of the institutions and state fair board, and by crediting all such repayment collections to the respective appropriations and special funds.

c. By charging all disbursements made to the respective allotment accounts of each

educational institution or state fair board and by crediting all such disbursements to the respective advance and inventory accounts.

d. By requiring a monthly abstract of all receipts and of all disbursements, both money and stores, and a complete account current each month from each educational institution and the state fair board.

9. *Entities representing agricultural producers.* To control the financial operations of the Iowa dairy industry commission as provided in [chapter 179](#), the Iowa beef cattle producers association as provided in [chapter 181](#), the Iowa pork producers council as provided in [chapter 183A](#), the Iowa egg council as provided in [chapter 184](#), the Iowa turkey marketing council as provided in [chapter 184A](#), the Iowa soybean association as provided in [chapter 185](#), and the Iowa corn promotion board as provided in [chapter 185C](#).

10. *Custody of records.* To have the custody of all books, papers, records, documents, vouchers, conveyances, leases, mortgages, bonds, and other securities appertaining to the fiscal affairs and property of the state, which are not required to be kept in some other office.

11. *Interest of the permanent school fund.* To transfer the interest of the permanent school fund to the credit of the interest for Iowa schools fund.

12. *Forms.* To prescribe all accounting and business forms and the system of accounts and reports of financial transactions by all departments and agencies of the state government other than those of the legislative branch.

13. *Federal Cash Management and Improvement Act administrator.*

a. To serve as administrator for state actions relating to the federal Cash Management and Improvement Act of 1990, Pub. L. No. 101-453, as codified in 31 U.S.C. §6503. The director shall perform the following duties relating to the federal law:

(1) Act as the designated representative of the state in the negotiation and administration of contracts between the state and federal government relating to the federal law.

(2) Modify the centralized statewide accounting system and develop, or require to be developed by the appropriate departments of state government, the reports and procedures necessary to complete the managerial and financial reports required to comply with the federal law.

b. There is annually appropriated from the general fund of the state to the department an amount sufficient to pay interest costs that may be due the federal government as a result of implementation of the federal law. This paragraph does not authorize the payment of interest from the general fund of the state for any departmental revolving, trust, or special fund where monthly interest earnings accrue to the credit of the departmental revolving, trust, or special fund. For any departmental revolving, trust, or special fund where monthly interest is accrued to the credit of the fund, the director may authorize a supplemental expenditure to pay interest costs from the individual fund which are due the federal government as a result of implementation of the federal law.

[2003 Acts, ch 145, §84](#); [2004 Acts, ch 1086, §8](#); [2005 Acts, ch 179, §104, 105](#); [2008 Acts, ch 1032, §114, 201](#); [2010 Acts, ch 1193, §30, 31](#); [2011 Acts, ch 122, §40](#); [2020 Acts, ch 1064, §2, 28](#); [2020 Acts, ch 1118, §73, 74](#); [2022 Acts, ch 1045, §3](#)

Referred to in [§8.31](#), [8A.111](#), [218.85](#)

2020 strike of former subsection 2 is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 10642020 Acts, ch 1064, see 2020 Acts, ch 1064, §28; 2020 Acts, ch 1118, §73, 74; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72

Subsection 2 stricken and former subsections 3 - 14 renumbered as 2 - 13

8A.503 Rules — deposit of departmental moneys.

The director shall prescribe by rule the manner and methods by which all departments and agencies of the state who collect money for and on behalf of the state shall cause the money to be deposited with the treasurer of state or in a depository designated by the treasurer of state. All such moneys collected shall be deposited at such times and in such depositories to permit the state of Iowa to deposit the funds in a manner consistent with the state's investment policies. All such moneys shall be promptly deposited, as directed, even though the individual amount remitted may not be correct. If any individual amount remitted is in excess of the amount required, the department or agency receiving the same

shall refund the excess amount. If the individual amount remitted is insufficient, the person, firm, or corporation concerned shall be immediately billed for the amount of the deficiency.

[2003 Acts, ch 145, §85](#)

8A.504 Setoff procedures. Repealed by 2020 Acts, ch 1064, §26, 28; 2020 Acts, ch 1118, §73, 74. See [§421.65](#).

2020 repeal of this section is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28; 2020 Acts, ch 1118, §73, 74; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72

With respect to proposed amendments to former [§8A.504](#) by 2023 Acts, ch 19, §9, 10, 1723, 2606, 2607, see Code editor's note at the beginning of this Code volume

8A.505 Cost allocation system — appropriation.

The department shall develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.

[2003 Acts, ch 145, §87](#); [2003 Acts, 1st Ex, ch 2, §34, 209](#); [2006 Acts, ch 1172, §1](#); [2008 Acts, ch 1183, §1, 2](#); [2009 Acts, ch 181, §38](#)

Referred to in [§8A.502](#)

Office of grants enterprise management, see [§8.9](#)

8A.506 Accounting.

The director may at any time require any person receiving money, securities, or property belonging to the state, or having the management, disbursement, or other disposition of them, an account of which is kept in the department, to render statements of them and information in reference to them.

[2003 Acts, ch 145, §88](#)

Referred to in [§331.552](#)

8A.507 Stating account.

If an officer who is accountable to the state treasury for any money or property neglects to render an account to the director within the time prescribed by law, or if no time is so prescribed, within twenty days after being required to do so by the director, the director shall state an account against the officer from the books of the officer's office, charging ten percent damages on the whole sum appearing due, and interest at the rate of six percent per annum on the aggregate from the time when the account should have been rendered; all of which may be recovered by action brought on the account, or on the official bond of the officer.

[2003 Acts, ch 145, §89](#)

Referred to in [§8A.509, 331.552](#)

8A.508 Compelling payment.

If an officer fails to pay into the state treasury the amount received by the officer within the time prescribed by law, or having settled with the director, fails to pay the amount found due, the director shall charge the officer with twenty percent damages on the amount due, with interest on the aggregate from the time the amount became due at the rate of six percent per annum, and the whole may be recovered by an action brought on the account, or on the official bond of the officer, and the officer shall forfeit the officer's commission.

[2003 Acts, ch 145, §90](#)

Referred to in [§8A.509, 331.552](#)

8A.509 Defense to claim.

The penal provisions in [sections 8A.507](#) and [8A.508](#) are subject to any legal defense which the officer may have against the account as stated by the director, but judgment for costs shall

be rendered against the officer in the action, whatever its result, unless the officer rendered an account within the time named in those sections.

2003 Acts, ch 145, §91

8A.510 Requested credits — oath required.

When a county treasurer or other receiver of public money seeks to obtain credit on the books of the department for payment made to the county treasurer, before giving such credit the director shall require that person to take and subscribe an oath that the person has not used, loaned, or appropriated any of the public money for the person's private benefit, nor for the benefit of any other person.

2003 Acts, ch 145, §92

8A.511 Requisition for information.

In those cases where the director is authorized to call upon persons or officers for information, or statements, or accounts, the director may issue a requisition therefor in writing to the person or officer called upon, allowing reasonable time, which, having been served and return made to the director, as a notice in a civil action, is evidence of the making of the requisition.

2003 Acts, ch 145, §93

8A.512 Limits on claims.

The director is limited in authorizing the payment of claims, as follows:

1. *Funding limit.*

a. A claim shall not be allowed by the department if the appropriation or fund of certification available for paying the claim has been exhausted or proves insufficient.

b. The authority of the director is subject to the following exceptions:

(1) Claims by state employees for benefits pursuant to [chapter 10A, subchapter III](#), and [chapters 85, 85A, and 85B](#) are subject to limitations provided in those chapters.

(2) Claims for medical assistance payments authorized under [chapter 249A](#) are subject to the time limits imposed by rule adopted by the department of health and human services.

(3) Claims approved by an agency according to the provisions of [section 25.2](#).

2. *Payment from fees.* Claims for per diem and expenses payable from fees shall not be approved for payment in excess of those fees if the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.

2003 Acts, ch 145, §94; 2006 Acts, ch 1185, §91; 2011 Acts, ch 127, §43, 89; 2023 Acts, ch 19, §11, 1724

Subsection 1, paragraph b, subparagraphs (1) and (2) amended

8A.512A Executive branch employee travel — information and database.

1. The department shall develop and maintain the following:

a. An electronic travel authorization form to be used for any executive branch employee's out-of-state travel, conference, or related expenditures associated with the employee's official duties. The electronic travel authorization form shall include all of the following:

(1) The identification of the employee, the employee's title, and the employee's department or agency.

(2) The travel departure point and destination point.

(3) The reason for the travel.

(4) The estimated reimbursable expenses.

(5) The date or dates upon which the travel is to occur.

b. A searchable database available on the department's internet site containing information related to all executive branch employee travel that includes all of the following:

(1) The identification of the employee who engaged in the travel, the employee's department or agency, and the employee's title.

(2) The travel departure point and destination point.

(3) The reason for the travel.

(4) The actual amount of expenses reimbursed.

(5) The date or dates upon which the travel occurred.

c. Notwithstanding paragraph “b” of [this subsection](#), the searchable database shall not include information regarding travel by officers and employees of the department of public safety occurring in relation to or during the course of criminal investigations, including but not limited to undercover operations.

2. A claim for reimbursement for any out-of-state travel, conference, or related expenditures shall only be allowed after the occurrence of both of the following:

a. The electronic travel authorization form is approved by the head of the employee’s department or by the designee of the head of the employee’s department.

b. The request for reimbursement is submitted by the employee on the appropriate form with required approvals.

3. a. For purposes of [this section](#), “*executive branch employee*” means an employee of the executive branch as defined in [section 7E.2](#), other than a member or employee of the state board of regents and institutions under the control of the state board of regents.

b. For purposes of [this section](#), “*out-of-state travel*” does not include out-of-state travel incidental to travel between a travel departure point in this state and a travel destination point in the city of Carter Lake.

[2011 Acts, ch 127, §44, 89; 2012 Acts, ch 1133, §91; 2021 Acts, ch 10, §1](#)

8A.513 Claims — approval.

The director before approving a claim on behalf of the department shall determine:

1. That the creation of the claim is clearly authorized by law. Statutes authorizing the expenditure may be referenced through account coding authorized by the director.

2. That the claim has been authorized by an officer or official body having legal authority to so authorize and that the fact of authorization has been certified to the director by such officer or official body.

3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.

4. That the claim is in proper form as the director may provide.

5. That the charges are reasonable, proper, and correct and no part of the claim has been paid.

[2003 Acts, ch 145, §95](#)

8A.514 Vouchers — interest — payment of claims.

1. Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, item furnished, or contract for which payment is sought. However, the director may authorize the prepayment of claims when the best interests of the state are served under rules adopted by the director. The claimant’s original invoice shall be attached to a department’s approved voucher. The director shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

2. Vouchers for postage, stamped envelopes, and postal cards may be audited as soon as an order for them is entered.

3. The departments, the general assembly, and the courts shall pay their claims in a timely manner. If a claim for services, supplies, materials, or a contract which is payable from the state treasury remains unpaid after sixty days following the receipt of the claim or the satisfactory delivery, furnishing, or performance of the services, supplies, materials, or contract, whichever date is later, the state shall pay interest at the rate of one percent per month on the unpaid amount of the claim. [This subsection](#) does not apply to claims against the state under [chapters 25](#) and [669](#) or to claims paid by federal funds. The interest shall be charged to the appropriation or fund to which the claim is certified. Departments may enter into contracts for goods or services on payment terms of less than sixty days if the

state may obtain a financial benefit or incentive which would not otherwise be available from the vendor. The department, in consultation with other affected departments, shall develop policies to promote consistency and fiscal responsibility relating to payment terms authorized under [this subsection](#). The director shall adopt rules under [chapter 17A](#) relating to the administration of [this subsection](#).

[2003 Acts, ch 145, §96](#)

Referred to in [§218.58](#)

8A.515 Warrants — form.

A warrant shall bear on its face the signature of the director or its facsimile, or the signature of an assistant or its facsimile in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from what office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer of state.

[2003 Acts, ch 145, §97](#)

8A.516 Required payee.

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or materials are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to the bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.

[2003 Acts, ch 145, §98](#)

8A.517 Prohibited payee.

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee, except for personal service rendered or expense incurred by the employee, unless express statutory authority exists therefor.

[2003 Acts, ch 145, §99](#)

8A.518 Claims exceeding appropriations.

A claim shall not be allowed when the claim will exceed the amount specifically appropriated for the claim.

[2003 Acts, ch 145, §100](#)

8A.519 Cancellation of state warrants.

On the last business day of each month, the director shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the treasurer of state for six months or longer.

[2003 Acts, ch 145, §101](#)

Referred to in [§25.2, 556.2C](#)

8A.520 through 8A.600 Reserved.

SUBCHAPTER VI

STATE RECORDS AND ARCHIVES

Referred to in [§163.37](#)

8A.601 Citation.

[This subchapter](#) shall be known and may be cited as the “*State Archives and Records Act*”.

[2003 Acts, ch 92, §4](#)

CS2003, §305.1

2023 Acts, ch 19, §1384, 1399

C2024, §8A.601

Section transferred from §305.1 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1399

Section amended

8A.602 Definitions.

As used in [this subchapter](#), unless the context otherwise requires:

1. “Agency” means any executive or legislative branch department, office, commission, board, or other unit of state government except as otherwise provided by law.
2. “Archives” means records that have been appraised by the state records commission as having sufficient historical, research, evidential, or informational value to warrant permanent preservation and that have been transferred to the custody of the state archives.
3. “Commission” means the state records commission created in [section 8A.603](#).
4. “Custody” means guardianship or control of records, including both physical possession, referred to as physical custody, and legal responsibility, referred to as legal custody, unless one or the other is specified.
5. “Designee” means an appointee of a commission member listed in [section 8A.603](#), who is a year-round, full-time state employee, appointed to regularly represent the commission member in the activities of the commission for a period of at least two years.
6. “Government records program” means a systematic state government program for the creation, organization, administrative use, maintenance, security, public availability, and final disposition of records.
7. “Guideline” means a suggested method of operation for specific activities.
8. “Policy” means a basic statement describing the boundaries within which activities are to take place.
9. “Record” means a document, book, paper, electronic record, photograph, sound recording, or other material, regardless of physical form or characteristics, made, produced, executed, or received pursuant to law in connection with the transaction of official business of state government. “Record” does not include library and museum material made or acquired and preserved solely for reference or exhibition purposes or stocks of publications and unprocessed forms.
10. “Records inventory” means a detailed listing of the volume, scope, and complexity of an agency’s records that is compiled for the purpose of creating records series retention and disposition schedules.
11. “Records officer” means a year-round, full-time agency official who possesses a broad understanding of programs and records of an agency and who is designated by the agency head to coordinate the records program or programs within the agency.
12. “Records series retention and disposition schedule” means a timetable established by the state records commission that describes the length of time a records series of an agency or multiple agencies must be retained in active and inactive status and provides authorization for a final disposition of the records series by destruction or permanent retention.
13. “Standard” means a specific rule or principle established to measure quality or value.
14. “Vital operating record” means a record containing information essential to continue or to reestablish an agency in the event of a natural or other disaster, allowing the re-creation of the state’s legal and financial status, and the determination of the rights and obligations of the state and its citizens.

2003 Acts, ch 92, §5

CS2003, §305.2

2004 Acts, ch 1120, §1; 2023 Acts, ch 19, §1385, 1399

C2024, §8A.602

Referred to in [§22.16](#)

Section transferred from §305.2 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1399

Unnumbered paragraph 1 amended

8A.603 Commission created.

A state records commission is created. The commission shall consist of the following officials or their designees:

1. The secretary of state.
2. The treasurer of state.
3. The director of revenue.
4. The director of the department of management.
5. The state librarian.
6. The auditor of state.
7. The director.

[2003 Acts, ch 92, §6](#)

CS2003, §305.3

[2003 Acts, ch 179, §70, 84; 2023 Acts, ch 19, §1386, 1387, 1399](#)

C2024, §8A.603

Referred to in [§8A.602](#)

Section transferred from [§305.3](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

Subsection 2 stricken and subsections 3 – 7 renumbered as 2 – 6

Subsection 8 amended and renumbered as 7

8A.604 Commission purpose.

The commission shall adopt government information policies, standards, and guidelines to do all of the following:

1. Provide for economy and efficiency in the creation, organization, maintenance, administrative use, security, public availability, and final disposition of government records.
2. Ensure creation of proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of state government agencies to protect the legal and financial rights of the state and of persons directly affected by the government's activities.
3. Identify and preserve state government records that document the history and development of the state.

[2003 Acts, ch 92, §7](#)

CS2003, §305.4

[2023 Acts, ch 19, §1399](#)

C2024, §8A.604

Section transferred from [§305.4](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

8A.605 Expenses.

Members of the commission shall serve without compensation but may receive their actual expenses incurred in the performance of their duties.

[2003 Acts, ch 92, §8](#)

CS2003, §305.5

[2023 Acts, ch 19, §1399](#)

C2024, §8A.605

Section transferred from [§305.5](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

8A.606 Meetings.

The commission shall have its offices at the seat of government but may hold meetings in other locations. The commission shall meet quarterly and at the call of the chairperson.

[2003 Acts, ch 92, §9](#)

CS2003, §305.6

[2023 Acts, ch 19, §1399](#)

C2024, §8A.606

Section transferred from [§305.6](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

8A.607 Commission administration.

The department, through the state archives and records program, is the primary agency responsible for providing administrative personnel and services for the commission.

[2003 Acts, ch 92, §10](#)

CS2003, §305.7

2023 Acts, ch 19, §1388, 1399

C2024, §8A.607

Section transferred from §305.7 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1399
Section amended

8A.608 Commission responsibilities.

1. The commission shall do all of the following:
 - a. Develop and adopt government information policies, standards, and guidelines for the creation, storage, retention, and disposition of records.
 - b. In consultation with the department of homeland security and emergency management, establish policies, standards, and guidelines for the identification, protection, and preservation of records essential for the continuity or reestablishment of governmental functions in the event of an emergency arising from a natural or other disaster.
 - c. Provide planning, policy development, and review for the government records program.
 - d. Adopt rules pursuant to [chapter 17A](#) that provide government information policies and standards.
 - e. Adopt and maintain an interagency records manual containing the rules governing records management, as well as records series retention and disposition schedules, guidelines, and other information relating to implementation of [this subchapter](#).
 - f. Make recommendations, in consultation with the department, to the governor and the general assembly for the continued reduction of printed reports throughout state government in a manner that protects the public's right to access such reports.
 - g. Provide advice, counsel, and services to the legislative, judicial, and executive branch agencies subject to [this subchapter](#) on the care and management of state government records.
 - h. Report to the governor and the general assembly on the status of the government records program.
 - i. Perform any act necessary and proper to carry out its duties.
2. The commission may do all of the following:
 - a. Examine records in the possession, constructive possession, or control of state agencies to carry out the purposes of [this subchapter](#).
 - b. Enter into agreements and contracts.
 - c. Secure appropriations, grants, or other outside funding.
 - d. Appoint advisory committees of citizens, public officials, or professional consultants to secure advice on records issues.
 - e. Make, or cause to be made, preservation duplicates of records, which may include existing copies of original state records. Any preservation duplicate record shall be durable, accurate, complete, and clear, and shall be made by means designated by the commission.
 - f. Develop appropriate charges for services provided for the convenience of state agencies, the judicial and legislative branches, political subdivisions, or the public.
 - g. Provide advice and counsel to political subdivisions on the care and management of local government records.
 - h. Establish a centralized records storage facility.

2003 Acts, ch 92, §11; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157

CS2003, §305.8

2005 Acts, ch 3, §60; 2005 Acts, ch 35, §30; 2005 Acts, ch 80, §2; 2013 Acts, ch 29, §49; 2023 Acts, ch 19, §1389, 1390, 1399

C2024, §8A.608

Section transferred from §305.8 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1399
Subsection 1, paragraphs e – g amended
Subsection 2, paragraph a amended

8A.609 Department responsibilities.

1. The department shall do all of the following as it relates to state records and archives:
 - a. Administer the state archives and records program and provide administrative support to the state records commission through the state archives and records program.
 - b. Appoint a state archivist to head the state archives and records program.
 - c. Maintain all official records of the state records commission.

d. Provide training, advice, and counsel to agencies on government information policies, standards, and guidelines.

e. Recommend records series retention and disposition schedules to the commission for consideration.

f. Recommend plans, policies, standards, and guidelines on records issues to the commission for consideration.

g. Compile, update, and distribute the state records manual as adopted by the commission.

h. Manage any centralized records storage facility established by the commission for the temporary storage of agency records prior to their final disposition by destruction or permanent preservation in accordance with the records series retention and disposition schedules.

i. Develop and distribute operating procedures for agencies to use to implement the plans, policies, standards, and guidelines adopted by the commission.

j. Provide advice, counsel, and services to the legislative, judicial, and executive branch agencies subject to [this subchapter](#) on the care and management of state government records.

k. Manage the state archives and develop operating procedures for the transfer, accession, arrangement, description, preservation, protection, and public access of those records the commission identifies as having permanent value.

l. Maintain physical custody and legal custody of archives that have been transferred and delivered to the state archives.

(1) Upon receipt by the state archivist, the archives shall not be removed without the state archivist's consent except in response to a subpoena of a court of record or in accordance with approved records series retention and disposition schedules or after review and approval of the commission.

(2) Upon request, the state archivist shall make a certified copy of any record in the legal custody or in the physical custody of the state archivist, or a certified transcript of any record if reproduction is inappropriate because of legal or physical considerations. If a copy or transcript is properly authenticated, it has the same legal effect as though certified by the officer from whose office it was transferred or by the secretary of state. The department shall establish reasonable fees for certified copies or certified transcripts of records in the legal custody or physical custody of the state archivist.

m. Establish, maintain, and administer an archive of records created and maintained in electronic format in order to preserve and provide public access to state government records identified as having permanent historical value by the commission.

2. The department may do any of the following as it relates to state records and archives:

a. Upon written consent of the state archivist, accept records of political subdivisions that are voluntarily transferred to the state archives.

b. Provide advice and counsel to political subdivisions on the care and management of local government records.

[2003 Acts, ch 92, §12](#)

[CS2003, §305.9](#)

[2004 Acts, ch 1086, §60; 2008 Acts, ch 1057, §4; 2023 Acts, ch 19, §1391 – 1394, 1399](#)

[C2024, §8A.609](#)

Section transferred from [§305.9](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, paragraphs a and j amended

Subsection 1, paragraph 1, subparagraph (2) amended

Subsection 2, unnumbered paragraph 1 amended

8A.610 Agency head responsibilities.

1. Each agency head shall do all of the following:

a. Make and maintain records containing adequate and proper documentation of the agency organization, functions, policies, decisions, procedures, and essential transactions designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency's activities.

b. Designate one or more agency officials with broad understanding of agency programs

and records to be an agency records officer to coordinate records programs within the agency and to be the point of contact with the state archives and records program.

c. Cooperate with the state records commission and the state archives and records program in the development and implementation of government information policies, standards, and guidelines, and in the development and implementation of records series retention and disposition schedules.

d. Comply with requests from the state records commission or the state archives and records program to examine records in the possession, constructive possession, or control of the agency in order to carry out the purposes of [this subchapter](#).

e. Inventory agency records in accordance with state records commission policies to draft records series retention and disposition schedules.

f. Identify vital operating records in accordance with the policies, standards, and guidelines of the state records commission.

g. Provide for the identification, protection, and preservation of vital operating records in the custody of the agency.

h. Prepare all mandated reports, newsletters, and publications for electronic distribution in accordance with government information policies, standards, and guidelines. A reference copy of all mandated reports, newsletters, and publications shall be located at an electronic repository for public access.

i. Provide for maximum economy and efficiency in the day-to-day recordkeeping activities of the agency.

j. Provide for compliance with [this subchapter](#) and the rules adopted by the state records commission.

2. Agency heads may petition the state records commission to create or modify government information policies, standards, and guidelines, and to create or modify records series retention and disposition schedules.

[2003 Acts, ch 92, §13](#); [2003 Acts, ch 145, §286](#)

CS2003, §305.10

[2008 Acts, ch 1184, §35](#); [2023 Acts, ch 19, §1395, 1399](#)

C2024, §8A.610

Section transferred from [§305.10](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)
Subsection 1, paragraphs d and j amended

8A.611 Termination of state agency — records transfer.

Upon the termination of a state agency whose functions have not been transferred to another agency, custody of the records of the agency shall transfer to the commission.

[2003 Acts, ch 92, §14](#)

CS2003, §305.11

[2023 Acts, ch 19, §1399](#)

C2024, §8A.611

Section transferred from [§305.11](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

8A.612 Duplicates.

A preservation duplicate record shall have the same force and effect for all purposes as the original record whether or not the original record is in existence. A certified transcript, exemplification, or copy of a preservation duplicate record shall be deemed for all purposes to be a certified transcript, exemplification, or copy of the original record.

[2003 Acts, ch 92, §15](#)

CS2003, §305.12

[2023 Acts, ch 19, §1399](#)

C2024, §8A.612

Section transferred from [§305.12](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

8A.613 Records state property.

All records made or received by or under the authority of or coming into the custody, control, or possession of public officials of this state in the course of their public duties are

the property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law or by rule.

[2003 Acts, ch 92, §16](#)

CS2003, §305.13

[2023 Acts, ch 19, §1399](#)

C2024, §8A.613

Section transferred from [§305.13](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

8A.614 Liability precluded.

No member of the commission or head of an agency shall be held liable for damages or loss, or civil or criminal liability, because of the destruction of public records pursuant to the provisions of [this subchapter](#) or any other law authorizing their destruction.

[2003 Acts, ch 92, §17](#)

CS2003, §305.14

[2023 Acts, ch 19, §1396, 1399](#)

C2024, §8A.614

Section transferred from [§305.14](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

Section amended

8A.615 Exemptions — duties of state department of transportation and state board of regents.

The state department of transportation and the agencies and institutions under the control of the state board of regents are exempt from the state records manual and the provisions of [this subchapter](#). However, the state department of transportation and the state board of regents shall adopt rules pursuant to [chapter 17A](#) for their employees, agencies, and institutions that are consistent with the objectives of [this subchapter](#). The rules shall be approved by the state records commission.

[2003 Acts, ch 92, §18](#)

CS2003, §305.15

[2023 Acts, ch 19, §1397, 1399](#)

C2024, §8A.615

Section transferred from [§305.15](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1399](#)

Section amended

8A.616 Iowa historical records advisory board established.

An Iowa historical records advisory board is established in accordance with [36 C.F.R. §1206.36 – 1206.38](#).

1. *Membership.* The board shall consist of nine members appointed by the governor for three-year staggered terms. Members shall be eligible for reappointment. The members shall have experience in a field of research or an activity that administers or makes extensive use of historical records. The majority of the members shall have professional qualifications and experience in the administration of government records, historical records, or archives. The director shall serve as an ex officio member of the board.

2. *Coordinator.* The state archivist shall serve as chair of the board and as state historical records coordinator.

3. *Administration.* The department, through the state archives and records program, is the primary agency responsible for providing administrative personnel and services for the board.

4. *Meetings.* The board shall meet at least three times annually and at the call of the chair. At least one meeting annually shall be held outside the state capital or in conjunction with a meeting of a relevant statewide professional organization.

5. *Expenses.* Members of the board shall serve without compensation but may receive their actual expenses incurred in the performance of their duties.

6. *Responsibilities.*

a. The board shall do all of the following:

(1) Serve as the central advisory body for historical records planning in the state and as a coordinating body to facilitate cooperation among historical records repositories and other information agencies within the state.

(2) Serve as a state level review body for grant proposals submitted to the national historical publications and records commission.

b. The board may do all of the following:

(1) Serve in an advisory capacity to the state records commission, the state archives and records program, and other statewide archival or records agencies.

(2) Seek funds from the national historical publications and records commission or other grant-funding bodies for sponsoring and publishing surveys of the conditions and needs of historical records in the state; for developing, revising, and distributing funding priorities for historical records projects in Iowa; for implementing projects to be carried out in the state for the preservation of historical records and publications; or for reviewing through reports and otherwise, the operation and progress of records projects in the state.

2003 Acts, ch 92, §19

CS2003, §305.16

2023 Acts, ch 19, §1398, 1399

C2024, §8A.616

Section transferred from §305.16 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1399
Subsections 1 and 3 amended

8A.617 through 8A.700 Reserved.

SUBCHAPTER VII

HISTORICAL RESOURCES

8A.701 Reserved.

8A.702 Departmental duties — historical resources.

The duties of the department as it relates to the historical resources of the state shall include all of the following:

1. Develop a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

2. Administer and care for historical sites under the authority of the department, and maintain collections within these buildings.

a. Except for the state board of regents, a state agency which owns, manages, or administers a historical site must enter into an agreement with the department under [chapter 28E](#) to ensure the proper management, maintenance, and development of the site.

b. For the purposes of [this section](#), “*historical site*” means any district, site, building, or structure listed on the national register of historic sites or identified as eligible for such status by the state historic preservation officer or that is identified according to established criteria by the state historic preservation officer as significant in national, state, and local history, architecture, engineering, archaeology, or culture.

3. Encourage and assist local, county, and state organizations and museums devoted to historical purposes.

4. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the department.

5. Implement tourism-related art and history projects as directed by the general assembly.

6. Encourage the use of volunteers throughout the department as it relates to the historical resources of the state, especially for purposes of restoring books and manuscripts.

7. Publish matters of historical value to the public.

8. Buy or receive by other means historical materials including but not limited to artifacts, art, books, manuscripts, and images. Such materials are not personal property under [sections 8A.321](#) and [8A.324](#) and shall be received and cared for under the rules of the department. The department may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

9. Administer the historical resource development program established in [section 8A.712](#).

10. Administer, preserve, and interpret the battle flag collection assembled by the state in consultation and coordination with the department of veterans affairs. A portion of the battle flag collection shall be on display at the state capitol and the state historical building at all times, unless on loan approved by the department.

11. Establish, maintain, and administer a digital collection of historical manuscripts, documents, records, reports, images, and artifacts and make the collection available to the public through an online research center.

12. Perform such duties as required under [chapter 305B](#).

[2023 Acts, ch 19, §1400](#)

Referred to in [§427.16](#)

NEW section

8A.703 State historical society of Iowa — board of trustees.

1. A state historical society board of trustees is established consisting of twelve members selected as follows:

a. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

b. The governor shall appoint one member from each of the state's congressional districts established under [section 40.1](#).

c. The governor shall appoint five members from the state at large, at least two of whom shall be on the faculty of a college or university in the state engaged in a discipline related to the activities of the historical society.

2. The term of office of members of the board of trustees is three years beginning on July 1 and ending June 30. The terms of office of the governor's appointees are staggered terms of three years each, so that three members are appointed each year.

[C73, §1885, 1901; C97, §2858, 2883; S13, §2881-a; C24, 27, 31, 35, §4512 – 4514, 4543; C39, §4541.01, 4541.02, 4543; C46, 50, 54, 58, 62, 66, 71, 73, §303.1, 303.2, 304.2; C75, 77, 79, 81, §303.1; [82 Acts, ch 1238, §2](#)]

[86 Acts, ch 1245, §1305](#)

C87, §303.4

[89 Acts, ch 78, §1](#); [93 Acts, ch 18, §1](#); [2005 Acts, ch 80, §1](#); [2015 Acts, ch 30, §96](#); [2016 Acts, ch 1135, §12](#); [2023 Acts, ch 19, §1424](#)

C2024, §8A.703

Referred to in [§103A.41](#)

Section transferred from [§303.4](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

8A.704 Powers and duties of director.

The director may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the department as it relates to the historical resources of the state.

2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.

3. Accept any federal funds granted, by Act of Congress or by executive order, for all or any purposes of [this subchapter](#).

[89 Acts, ch 78, §2](#)

CS89, §303.5

[2023 Acts, ch 19, §1402, 1403, 1424](#)

C2024, §8A.704

Section transferred from [§303.5](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

Unnumbered paragraph 1 amended

Subsection 1 amended

8A.705 Officers — meetings.

1. The state historical society board of trustees shall annually elect a chairperson and vice chairperson from its membership. The board shall meet as often as deemed necessary, upon the call of the chairperson, or at the request of a majority of the members of the board.

2. Members of the board are entitled to be reimbursed for actual expenses while engaged in their official duties. Members may also be eligible for compensation as provided in [section 7E.6](#).

[C75, 77, 79, 81, §303.2; [82 Acts, ch 1238, §3](#)]

[86 Acts, ch 1245, §1306](#)

C87, §303.6

[2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1424](#)

C2024, §8A.705

Referred to in [§15.480](#)

Section transferred from [§303.6](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

8A.706 State historical society.

1. As used in [this subchapter](#), “*state historical society*” means a membership organization of the department that is open to members of the general public who are interested in the history of the state.

2. The state historical society board of trustees shall recommend to the director rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. The members of the society shall not determine policy for the department as it relates to the historical resources of the state but may advise the director and perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to [this subchapter](#).

3. Unless designated otherwise, an application for membership in the state historical society, or a gift, bequest, devise, endowment, or grant to the state historical society or the department as it relates to the historical resources of the state shall be presumed to be to or in the department.

4. Notwithstanding [section 633.63](#), the board may enter into agreements authorizing nonprofit foundations acting solely for the support of the state historical society or the department to administer the membership program of the state historical society and funds of the state historical society or the department as it relates to the historical resources of the state.

[C73, §1902; C97, §2884; C24, 27, 31, 35, 39, [§4544](#); C46, 50, 54, 58, 62, 66, 71, 73, §304.3; C75, 77, 79, 81, §303.3, 303.4; [82 Acts, ch 1238, §5](#)]

C83, §303.4

[86 Acts, ch 1245, §1307](#)

C87, §303.7

[89 Acts, ch 78, §3; 2023 Acts, ch 19, §1404, 1424](#)

C2024, §8A.706

Section transferred from [§303.7](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

Section stricken and rewritten

8A.707 Powers and duties of board and department.

1. The state historical society board of trustees shall:

a. Recommend to the state historical society a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Make recommendations to the director on historically related matters.

c. Review and recommend to the director or the director’s designee policy decisions regarding the department as it relates to the historical resources of the state.

d. Recommend to the state historic preservation officer for approval the state preservation plan.

e. Perform other functions prescribed by law to further historically related matters in the state.

2. The department shall:

a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

b. Maintain research centers in Des Moines and Iowa City.

3. The department may:

a. By rule, establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs relating to the historical resources of the state.

b. Develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.

[C73, §1902; C97, §2858, 2884; S13, §2881-a; C24, 27, 31, 35, §4515 – 4517, 4544; C39, §4541.03, 4544; C46, 50, 54, 58, 62, 66, 71, 73, §303.3, 304.3; C75, 77, 79, 81, §303.4, 303.5; 82 Acts, ch 1238, §7]

C83, §303.6

86 Acts, ch 1245, §1309

C87, §303.8

89 Acts, ch 78, §4; 2018 Acts, ch 1026, §106; 2023 Acts, ch 19, §1405, 1406, 1424

C2024, §8A.707

Additional board duties, see §103A.41 and §103A.45

Section transferred from §303.8 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1424

Subsection 1, paragraphs b and c amended

NEW subsection 3

8A.708 Funds received by department.

1. All funds received by the department relating to the historical resources of the state, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, shall be credited to the account of the department and are appropriated to the department to be invested or used for programs and purposes under the authority of the department as it relates to the historical resources of the state. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the department under this section.

2. The department may sell mementos and other items relating to Iowa history and historic sites on the premises of property under control of the department and at the state capitol. Notwithstanding sections 8A.321 and 8A.327, the department may directly and independently enter into rental and lease agreements with private vendors for the purpose of selling mementos. All fees and income produced by the sales and rental or lease agreements shall be credited to the account of the department. The mementos and other items sold by the department or vendors under this subsection are exempt from section 8A.311.

3. Notwithstanding section 633.63, the state historical society board of trustees may authorize nonprofit foundations acting solely for the support of the department as it relates to the historical resources of the state to accept and administer trusts deemed by the board to be beneficial to the department's operations under this subchapter. The board and the foundation may act as trustees in such instances.

[C75, 77, 79, 81, §303.9; 81 Acts, ch 10, §11; 82 Acts, ch 1238, §8]

86 Acts, ch 1244, §36; 88 Acts, ch 1284, §8; 89 Acts, ch 78, §5; 2003 Acts, ch 145, §237; 2003 Acts, 1st Ex, ch 2, §160, 205; 2023 Acts, ch 19, §1407, 1424

C2024, §8A.708

Referred to in §404A.3

Section transferred from §303.9 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §1424

Subsections 1 and 3 amended

8A.709 Iowa heritage fund.

1. An Iowa heritage fund is created in the state treasury to be administered by the department. The fund shall consist of all moneys allocated to the fund by the treasurer of state.

2. Moneys in the fund shall be used in accordance with the following:

a. Ninety percent shall be retained by the department and used to maintain and expand Iowa's history curriculum, to provide teacher training in Iowa history, and to support museum exhibits, historic sites, and adult education programs.

b. Five percent shall be retained by the department to be used for start-up costs for the one hundred seventy-fifth and two hundredth anniversaries of Iowa statehood.

c. Five percent shall be retained by the department to be used for the promotion of the sale of the Iowa heritage registration plate issued under [section 321.34](#).

[96 Acts, ch 1088, §2](#)

[C97, §303.9A](#)

[2001 Acts, ch 144, §1](#); [2008 Acts, ch 1005, §2](#); [2023 Acts, ch 19, §1408, 1424](#)

[C2024, §8A.709](#)

Referred to in [§321.34](#)

Section transferred from [§303.9A](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

Section amended

8A.710 Acceptance and use of money grants.

All federal grants to and the federal receipts of the agencies receiving funds under [this subchapter](#) are appropriated for the purpose set forth in the federal grants or receipts.

[[C75, 77, 79, 81, §303.10](#)]

[2023 Acts, ch 19, §1409, 1424](#)

[C2024, §8A.710](#)

Section transferred from [§303.10](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

Section amended

8A.711 Gifts.

1. The department may accept gifts and bequests which shall be used in accordance with the desires of the donor if expressed. Funds contained in an endowment fund for either the department of history and archives or the state historical society existing on July 1, 1974, remain an endowment of the department. Gifts shall be accepted only on behalf of the department, and gifts to a part, branch, or section of the department are presumed to be gifts to the department.

2. If publication of a book is financed by the endowment fund, [this subchapter](#) does not prevent the return of moneys from sales of the book to the endowment fund.

[[C24, 27, 31, 35, §4526, 4527](#); [C39, §4541.07, 4541.08](#); [C46, 50, 54, 58, 62, §303.7, 303.8](#); [C66, 71, 73, §303.7, 303.8, 304.13](#); [C75, 77, 79, 81, §303.11](#); [82 Acts, ch 1238, §9](#)]

[86 Acts, ch 1244, §37](#); [89 Acts, ch 78, §6](#); [2019 Acts, ch 24, §104](#); [2023 Acts, ch 19, §1410, 1424](#)

[C2024, §8A.711](#)

Section transferred from [§303.11](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

Section amended

8A.712 Historical resource development program — country school grants.

1. The department shall administer a program of grants and loans for historical resource development throughout the state, subject to funds for such grants and loans being made available through the appropriations process or otherwise provided by law.

2. The purpose of the historical resource development program is to preserve, conserve, interpret, and enhance historical resources that will encourage and support the economic and cultural health and development of the state and the communities in which the resources are located. For this purpose, the department may make grants and loans as otherwise provided by law with funds as may be made available by applicable law.

3. The following persons are eligible to receive historical resource grants and loans:

- a. County and city governments.
- b. Nonprofit corporations.
- c. Private corporations and businesses.
- d. Individuals.
- e. State agencies.

f. Governments and traditional tribal societies of recognized resident American Indian tribes in Iowa.

g. Other units of government.

4. Grants and loans may be made for the following purposes:

a. Acquisition and development of historical resources.

b. Preservation and conservation of historical resources.

c. Interpretation of historical resources.

d. Professional training and educational programs on the acquisition, development, preservation, conservation, and interpretation of historical resources.

5. a. Grants and loans shall be awarded in each of the following categories:

(1) Museums.

(2) Documentary collections.

(3) Historic preservation.

b. Not less than twenty percent and not more than sixty percent of the program's funds appropriated in one fiscal year shall be allocated to any single category.

6. Grants and loans are subject to the following restrictions:

a. Not more than twenty percent of the total grant moneys combined shall be given to or received by state agencies and institutions, or their representatives or agents.

b. A portion of the applicant's operating expenses may be used as a cash match or in-kind match as specified by the department's rules.

c. Grant or loan funds shall not be used to support public relations or marketing expenses.

d. Not more than one hundred thousand dollars or twenty percent of the annual appropriation, whichever is more, shall be granted and loaned to recipients within a single county in any given grant cycle.

e. Not more than one hundred thousand dollars or ten percent of the annual appropriation, whichever is more, shall be granted and loaned to any single recipient or its agent within a single fiscal year.

f. Grants under this program may be given only after review and recommendation by the state historical society board of trustees. The department may contract with lending institutions chartered in this state to act as agents for the administration of loans under the program, in which case, the lending institution may have the right of final approval of loans, subject to the department's administrative rules. If the department does not contract with a lending institution, loans may be made only after review and recommendation by the state historical society board of trustees.

g. The department shall not award grants or loans to be used for goods or services obtained outside the state, unless the proposed recipient demonstrates that it is neither feasible nor prudent to obtain the goods or services within the state.

h. Grant or loan funds shall not be awarded to a city or county government for a project in the historic preservation category unless the city or county government has been approved as a certified local government by the state historic preservation officer.

7. For each dollar of grant funds the following recipients must provide the following matching cash and in-kind resources:

a. All units of government and nonprofit corporations, fifty cents, of which at least twenty-five cents must be in cash.

b. For other private corporations and businesses, one dollar of which at least seventy-five cents must be in cash.

c. For individuals, seventy-five cents of which at least fifty cents must be in cash.

8. The department may use ten percent of the annual allocation to the historical resource grant and loan fund established in this section pursuant to [section 455A.19](#), but in no event more than seventy-five thousand dollars, for administration of the grant and loan program.

9. a. (1) The department may establish a historical resource grant and loan fund composed of any money appropriated by the general assembly for that purpose, funds allocated pursuant to [section 455A.19](#), and of any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in that fund. Each loan made under [this section](#) shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable

to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants are eligible for not more than one hundred thousand dollars in loans outstanding at any time under this program. A single lending institution contracting with the department pursuant to [this section](#) shall not hold more than five hundred thousand dollars worth of outstanding loans under the program.

(2) Any applicant, who is otherwise eligible, who receives a direct or indirect appropriation from the general assembly for a project or portion of a project is ineligible for a historical resources development grant for that same project during the fiscal year for which the appropriation is made. For purposes of this paragraph, “*project*” includes any related activities, including but not limited to construction, restoration, supplies, equipment, consulting, or other services.

b. The department may:

(1) Contract and adopt administrative rules necessary to carry out the provisions of [this section](#), but the department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the historical resource grant and loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under [this section](#), and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

10. a. The general assembly finds that the country school that served Iowa’s educational needs for much of its history offered a unique opportunity to students and communities, providing for multigenerational attendance, high educational performance, a safe environment, a focus for community support, and a caring, attentive environment.

b. A country schools historical resource preservation grant program is therefore established to be administered by the department for the preservation of one-room and two-room buildings once used as country schools. In developing grant approval criteria, the department shall place a priority on the educational uses planned for the country school building, which may include, but are not limited to, historical interpretation and use as a teaching museum or as an operational classroom accessible to a school district or accredited nonpublic school for provisional instructional purposes.

c. Notwithstanding any other provision of [this section](#), the amount of a grant shall not exceed twenty-five thousand dollars and applicants shall match grant funding on a dollar-for-dollar basis, of which at least one-half of the local match must be in cash.

[86 Acts, ch 1238, §54; 86 Acts, ch 1245, §1314](#)

[C87, §303.16](#)

[87 Acts, ch 17, §8; 89 Acts, ch 78, §11, 12; 89 Acts, ch 236, §12 – 14; 89 Acts, ch 319, §79; 90 Acts, ch 1097, §2 – 8; 91 Acts, ch 73, §1 – 7; 99 Acts, ch 205, §44; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §1411 – 1414, 1424](#)

[C2024, §8A.712](#)

Referred to in [§8A.702, 15.121, 455A.19](#)

Section transferred from [§303.16](#) in Code 2024 pursuant to directive in [2023 Acts, ch 19, §1424](#)

Subsections 1, 2, 8, and 9 amended

Subsection 6, paragraphs b, f, and g amended

Subsection 10, paragraph b amended